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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 1—Organization and Administration

EMERGENCY AMENDMENT

11 CSR 45-1.090 Definitions. The commission is amending subsection (5)(H).

PURPOSE: This amendment deletes reference to the five hundred dollar (\$500)-loss limit which was repealed during the general election by voter initiative.

EMERGENCY STATEMENT: This emergency amendment deletes rule provisions repealed by voter initiative during the last general election. This emergency amendment changes the definition of "excursion" and provides Class B licensees no longer need to track and enforce the five hundred dollar (\$500)-loss limit. Without this emergency amendment, enforcement of the current rule would require patrons to stop gambling until the two (2)-hour gaming session ended. Implementation of this emergency amendment defining "excursion," in light of the changes approved by voters in Proposition A, gives gaming patrons the authority to continue to play after spending five hundred dollars (\$500) without waiting for the next gaming session to begin. This emergency amendment is necessary to protect the public health, safety and welfare by removing rule language that is inconsistent with the vote of the people. As a result, the Missouri Gaming Commission finds an immediate danger to the public health,

safety and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment which covers the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed October 29, 2008, effective November 15, 2008, and expires May 13, 2009.

(5) Definitions beginning with E—

(H) Excursion—A two (2)-hour period approved by the commission that an excursion gaming boat shall operate and, if required, cruise[, provided; however, that when circumstances beyond the control of the Class A licensee arise that create an inability to track the five hundred dollar (\$500)-loss limit for any excursion, as provided in 11 CSR 45-6.040, the excursion shall automatically terminate and the following excursion must consist of the remaining time scheduled for the terminated excursion plus the entire time of the immediately following scheduled excursion. This period of time shall include reasonable time for boarding and exiting the boat, which shall be established by the commission based on the licensee's ability to enforce the five hundred dollar (\$500)-loss limit]. The commission may allow patrons to board and exit the boat at will if the [licensee can demonstrate that the five hundred dollar (\$500)-loss limit can be enforced and that the] integrity of the admission fee collection process can be maintained. Gaming may be permitted at any time during the excursion. The commission shall approve all schedules of excursion prior to the schedule becoming effective. The provisions of this definition to the contrary notwithstanding, the commission may approve an excursion schedule that includes a single three (3)-hour excursion if it is the last excursion of the gaming day.

AUTHORITY: sections 313.004, 313.805, and 313.817, RSMo 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 5—Conduct of Gaming

EMERGENCY AMENDMENT

11 CSR 45-5.053 Policies. The commission is deleting section (5) and renumbering section (6) to section (5).

PURPOSE: This amendment deletes reference to the five hundred dollar (\$500)-loss limit which was repealed during the general election by voter initiative.

EMERGENCY STATEMENT: This emergency amendment deletes rule provisions repealed by voter initiative during the last general election. This emergency amendment removes the requirement that Class B licensees track the five hundred dollar (\$500)-loss limit during each scheduled gaming excursion. Without this emergency amendment, Class B licensees would be required to continue using current

standards no longer applicable with the passage of Proposition A. This emergency amendment is necessary to protect the public health, safety and welfare by removing rule language that is inconsistent with the vote of the people. As a result, the Missouri Gaming Commission finds an immediate danger to the public health, safety and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment which covers the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed October 29, 2008, effective November 15, 2008, and expires May 13, 2009.

[(5) The holder of a Class A license will insure that a person's maximum loss will be no more than five hundred dollars (\$500) during each gambling excursion.]

[(6)](5) Wagers may only be made—

- (A) By a person present on a licensed gambling boat;
- (B) By persons twenty-one (21) years of age or older; and
- (C) At the times allowed by the commission.

AUTHORITY: sections 313.004, 313.805, [RSMo 1994] and 313.807, RSMo [Supp. 1999] 2000. Original rule filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed May 13, 1998, effective Jan. 30, 1999. Amended: Filed March 1, 2000, effective Sept. 30, 2000. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 6—Operation of the Riverboat

EMERGENCY RESCISSION

11 CSR 45-6.040 Five Hundred Dollar-Loss Limit. This rule established enforcement of five hundred dollar (\$500)-loss limits.

PURPOSE: This rule is being rescinded as the five hundred dollar (\$500)-loss limit was repealed during the general election by voter initiative.

EMERGENCY STATEMENT: This emergency rescission deletes rule provisions repealed by voter initiative during the last general election. This rule ensured each licensed excursion gambling boat specified in the internal controls procedures to enforce and prevent the loss of more than five hundred dollars (\$500) by patrons during each gambling excursion. With the approval of Proposition A by the voters of Missouri there are no longer any loss limits applicable to gaming patrons at Missouri casinos. This emergency rescission will remove the internal control procedures Class B licensees used to track and enforce the loss limits. This emergency rescission is necessary to protect the public health, safety and welfare to remove rule language that is inconsistent with statute. As a result, the Missouri Gaming Commission finds an immediate danger to the public health, safety and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed rescission which covers the same material is published in this issue of the *Missouri Register*. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Missouri Gaming Commission believes this emergency rescission is fair to all interested persons and parties under the circumstances. This emer-

gency rescission was filed October 29, 2008, effective November 15, 2008, and expires May 13, 2009.

AUTHORITY: sections 313.004 and 313.805, RSMo [1994] 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Emergency rescission filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 8—Accounting Records and Procedures; Audits

EMERGENCY AMENDMENT

11 CSR 45-8.120 Handling of Cash at Gaming Tables. The commission is amending subsections (1)(B) and (1)(C) and deleting subsection (1)(D).

PURPOSE: This amendment deletes reference to the five hundred dollar (\$500)-loss limit which was repealed during the general election by voter initiative.

EMERGENCY STATEMENT: This emergency amendment deletes rule provisions repealed by voter initiative during the last general election. This emergency amendment removes requirements in the rule which specify procedures to be followed by Class B licensees at the gaming tables preventing patrons from losing more than five hundred dollars (\$500) during each gambling excursion. Without this emergency amendment, the current procedures would continue to limit the patron to the five hundred dollar (\$500)-loss limit, in conflict with Missouri voters' approval of Proposition A. This emergency amendment ensures patrons there will be no loss-limits imposed during their gaming excursion. This emergency amendment is necessary to protect the public health, safety and welfare by removing rule language that is inconsistent with statute. As a result, the Missouri Gaming Commission finds an immediate danger to the public health, safety and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment which covers the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed October 29, 2008, effective November 15, 2008, and expires May 13, 2009.

(1) Whenever cash is presented by a patron at a gaming table for exchange of gaming chips, the following procedures and requirements shall be observed:

(B) The cash value amount shall be verbalized by the dealer or box person accepting it in a tone of voice calculated to be heard by the patron and the casino supervisor assigned to that gaming table; **and**

(C) Immediately after that, the cash shall be taken from the top of the gaming table and placed by the dealer or box person into the drop box attached to the gaming table; **and**].

[(D) All of subsections (1)(A)–(C) shall be consistent with the boat's enforcement of five-hundred (\$500) dollar-loss limits.]

AUTHORITY: sections 313.004, 313.805, and 313.817, RSMo [Supp. 1993] 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5,

1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

EMERGENCY AMENDMENT

11 CSR 45-9.030 Minimum Internal Control Standards. The commission is amending section (1) and Appendix A, as incorporated by reference, by changing the requirements in Chapter D—Table Games (Live Games), Chapter E—Electronic Gaming Devices (EGDs), Chapter J—Admissions, Chapter N—Security and Chapter Q—Disassociated Persons and deleting Chapter P—\$500 Buy-In Limit.

PURPOSE: This amendment updates requirements related to admissions taxes and deletes requirements for the five hundred dollar (\$500)-loss limit which were changed during the general election by voter initiative by amending the requirements in Appendix A as incorporated by reference in Chapters D, E, J, N and Q and deletes Chapter P of the Minimum Internal Control Standards.

EMERGENCY STATEMENT: This emergency amendment updates rule provisions for admissions tax and deletes the requirements for the five hundred dollar (\$500)-loss limit approved by voters during the last general election. This emergency amendment clarifies the revisions to the Minimum Internal Control Standards as incorporated by reference in this rule as applicable to the five hundred dollar (\$500)-loss limit, identification of players and the collection of the admission taxes, providing the Class B licensees the authority to update their internal controls in a timely fashion to comply with the provisions of Proposition A. It is imperative for the Missouri Gaming Commission to immediately begin collecting the taxes, remove the five hundred dollar (\$500)-loss limit and update the internal controls to reflect the provisions of Proposition A. This emergency amendment is necessary to protect the public health, safety and welfare by removing rule language that is inconsistent with statute. As a result, the Missouri Gaming Commission finds an immediate danger to the public health, safety and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment which covers the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed October 29, 2008, effective November 15, 2008, and expires May 13, 2009.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. This incorporated material (Appendix A) may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in Appendix A, which has been incorporated by reference herein, as published by the Missouri Gaming

Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. This rule does not incorporate any subsequent amendments or additions. The minimum internal control standards [were published by the commission in 2007 and do not include any later amendments or additions] are adopted as approved by the commission on October 29, 2008.

AUTHORITY: sections 313.004 and 313.805, RSMo 2000 and section 313.800, RSMo Supp. [2006] 2007. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

EMERGENCY AMENDMENT

11 CSR 45-9.040 Commission Approval of Internal Control System. The commission is deleting paragraph (1)(C)1. and renumbering paragraphs (1)(C)2.-25.

PURPOSE: This amendment deletes reference to the five hundred dollar (\$500)-loss limit which was repealed during the general election by voter initiative.

EMERGENCY STATEMENT: This emergency amendment deletes rule provisions repealed by voter initiative during the last general election. Implementation of this emergency amendment—1) will remove the requirement for a detailed, narrative description of the riverboat licensee's accounting procedures for tracking the five hundred dollar (\$500)-loss limit from their internal controls and 2) limit patron identification to enter the gambling area solely to establish that an individual is at least twenty-one (21) years of age. Class B licensees will submit emergency changes to their internal controls, thereby providing the Missouri Gaming Commission immediate documentation of the procedures to ensure compliance with the provisions of Proposition A as approved by Missouri voters. This emergency amendment is necessary to protect the public health, safety and welfare by removing rule language that is inconsistent with statute. As a result, the Missouri Gaming Commission finds an immediate danger to the public health, safety and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment which covers the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed October 29, 2008, effective November 15, 2008, and expires May 13, 2009.

(1) Each licensee shall describe, in a manner that the commission may approve or require, its administrative and accounting procedures in detail in a written system of internal control. Each written system must include a detailed narrative description of the administrative and accounting procedures designed to satisfy the requirements of 11 CSR 45-9.020 and 11 CSR 45-9.030(1). Additionally, this description shall include a separate section for the following:

(C) A detailed, narrative description of the administrative and accounting procedures designed to satisfy the requirements of 11

CSR 45-9.020 and 11 CSR 45-9.030(1). Additionally, this description shall include a separate section for the following:

[1.]/1. Procedures to insure that no person shall lose more than five hundred dollars (\$500) during each gambling excursion;]

[2.]/1. Procedures to account for the total number and amount of money received from admissions, including free passes or complimentary admission tickets;

[3.]/2. Physical characteristics of drop box and tip box;

[4.]/3. Transportation of drop and tip boxes to and from gaming tables;

[5.]/4. Procedures for table inventories;

[6.]/5. Procedures for opening and closing gaming tables;

[7.]/6. Procedures for fills and credits;

[8.]/7. Procedures for accepting tips or gratuities;

[9.]/8. Procedures for transporting chips and tokens to and from gaming tables;

[10.]/9. Procedures for shift changes at gaming tables;

[11.]/10. Drop bucket characteristics;

[12.]/11. Transportation of drop buckets to and from electronic gaming devices;

[13.]/12. Procedures for chip and token purchases;

[14.]/13. Procedures for hopper fills;

[15.]/14. Procedures for transportation of electronic gaming devices;

[16.]/15. Procedures for jackpot payout;

[17.]/16. Layout and physical characteristics of cashier's cage;

[18.]/17. Procedures for accounting controls;

[19.]/18. Procedures for exchange of checks submitted by gaming patrons;

[20.]/19. Procedures for credit card and debit card transactions;

[21.]/20. Procedures for acceptance, accounting for and redemption of patron's cash deposits;

[22.]/21. Procedures for control of coupon redemption and other complimentary distribution programs;

[23.]/22. Procedures for shoreside facilities, which is defined for purposes of this rule as those facilities based or built upon land;

[24.]/23. Procedures for federal cash transactions reporting; and

[25.]/24. Procedures for security and accountability of dice and cards; and

AUTHORITY: sections 313.004[,] and 313.805, RSMo [1994] 2000 and section 313.800, RSMo Supp. 2007. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed June 2, 1995, effective Dec. 30, 1995. Amended: Filed March 18, 1996, effective Oct. 30, 1996. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 11—Taxation Regulations

EMERGENCY AMENDMENT

11 CSR 45-11.020 Deposit Account—Taxes and Fees. The commission is amending section (1).

PURPOSE: This rule is being amended to increase the tax rate as approved during the general election by voter initiative.

EMERGENCY STATEMENT: This emergency amendment informs affected individuals and entities the gaming tax rate has increased to twenty-one percent (21%) from the previous level of twenty percent

(20%). With the passage of Proposition A, it is economically in the best interest of the state to collect the additional one percent (1%) tax on the adjusted gross receipts as approved by voters in an expedited manner. Immediate implementation of this emergency amendment will allow the state to ensure the collection of additional taxes. Without this emergency amendment, collection of the taxes will be delayed. It is imperative to begin immediate collection of the gambling boat tax and fee revenues thereby increasing state revenue. This emergency amendment is necessary to protect the public health, safety and welfare as some entities may file their taxes at the inappropriate rate, thereby creating the need to file amended returns, and possibly being assessed late filing charges. As a result, the Missouri Gaming Commission finds an immediate danger to the public health, safety and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment which covers the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed October 29, 2008, effective November 15, 2008, and expires May 13, 2009.

(1) As authorized in section 313.822, RSMo, a tax is imposed on the adjusted gross receipts received from gambling games at the rate of [twenty] **twenty-one percent [(20%)] (21%)** (the "gaming tax").

AUTHORITY: sections 313.004, 313.805, 313.807, and 313.822, RSMo [1994] 2000 and sections 313.800, 313.820, and 313.835, RSMo [Supp. 1997] Supp. 2007. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 11—Taxation Regulations

EMERGENCY AMENDMENT

11 CSR 45-11.050 Admission Fee. The commission is amending section (1).

PURPOSE: This amendment clarifies the definition for a ticket of admission.

EMERGENCY STATEMENT: This emergency amendment clarifies the definition of the ticket of admission which will provide an accurate accounting of patrons for the admissions tax since rule provisions were repealed by voter initiative during the last general election. This rule change eliminates the requirement of a player's card for admission, which currently serves as a ticket of admission; therefore, this emergency amendment provides an appropriate definition for the ticket of admission that allows for another means of counting admissions and ensuring the proper collection of admission taxes. Immediate implementation of this emergency amendment will allow the state to verify the number of tickets of admission and ensure the collection of additional taxes which provides the state additional revenue. This emergency amendment is necessary to protect the public health, safety and welfare by removing rule language that is inconsistent with statute. As a result, the Missouri Gaming Commission finds an immediate danger to the public health, safety and/or welfare

and a compelling governmental interest, which requires this emergency action. A proposed amendment which covers the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed October 29, 2008, effective November 15, 2008, and expires May 13, 2009.

(1) An [admission boat] excursion gambling boat licensee shall pay to the commission an admission fee of two dollars (\$2) for each person embarking on an excursion gambling boat with a ticket of admission and one dollar (\$1) of this shall be paid to the home dock city or county; provided, however, that the licensee may charge any amount deemed necessary for a ticket of admission to any person embarking on an excursion gambling boat.

(A) As used in this chapter "ticket of admission" shall mean a device, mechanism, or procedure approved by the commission which provides a complete and accurate accounting of all patrons embarking on an excursion gambling boat.

AUTHORITY: sections 313.004[,] and 313.805, RSMo 2000 and section 313.820, RSMo [Supp. 1993] Supp. 2007. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 41—General Tax Provisions**

EMERGENCY AMENDMENT

12 CSR 10-41.010 Annual Adjusted Rate of Interest. The department proposes to amend section (1).

PURPOSE: Under the Annual Adjusted Rate of Interest (section 32.065, RSMo), this amendment establishes the 2009 annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2009.

EMERGENCY STATEMENT: The director of revenue is mandated to establish, not later than October 22, an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percent. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the amendment informs the public of the established rate of interest to be paid on unpaid amounts of taxes for the 2009 calendar year. A proposed amendment that covers the same material is published in this issue of the Missouri Register. The director has limited the scope of the emergency amendment to the circumstances creating the emergency. The director has followed procedures calculated to assure fairness to all interested persons and parties and has complied with protections extended by the Missouri and United States Constitutions. Emergency amendment filed October 21, 2008, effective January 1, 2009, and expires June 29, 2009.

(1) Pursuant to section 32.065, RSMo, the director of revenue upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the

Board of Governors of the Federal Reserve System in the Federal Reserve Statistical Release H.15(519) for the month of September of each year has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

Calendar Year	Rate of Interest on Unpaid Amounts of Taxes
1995	12%
1996	9%
1997	8%
1998	9%
1999	8%
2000	8%
2001	10%
2002	6%
2003	5%
2004	4%
2005	5%
2006	7%
2007	8%
2008	8%
2009	5%

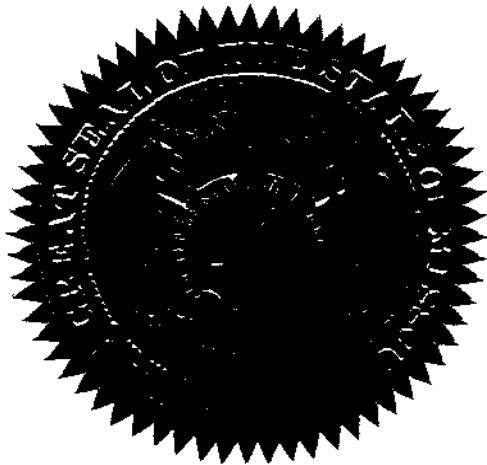
AUTHORITY: section 32.065, RSMo 2000. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Oct. 21, 2008, effective Jan. 1, 2009, expires June 29, 2009. A proposed amendment covering this same material is published in this issue of the Missouri Register.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2007.

EXECUTIVE ORDER
08-33

TO ALL DEPARTMENTS AND AGENCIES:

This is to advise that state offices will be closed on Friday, December 26, 2008.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 29th day of October, 2008.


Matt Blunt
Governor

ATTEST:


Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
08-34**

Whereas, the United States Census of Population is a critical component of our nation's democratic society; and

Whereas, the United States Census of Population is used to apportion seats in the United States House of Representatives; and

Whereas, the state of Missouri faces the possible loss of a seat in the United States House of Representatives based on Missouri's population counts relative to those of all other states; and

Whereas, federal funds vital to Missourians are distributed based on population counts collected during the United States Census of population; and

Whereas, the United States Census Bureau encourages all states to form a Complete Count Committee whose goal shall be to heighten awareness about the 2010 Census and encourage the populace to participate in the United States Census of Population; and

Whereas, I am committed to ensuring Missouri has an accurate count of its citizens during the 2010 Census.

Now, Therefore, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and the laws of the state of Missouri, do hereby order the establishment of a Complete Count Committee.

1. The committee is charged with heightening Missouri's awareness of the 2010 Census, encouraging participation in the process and working to ensure that every resident is counted.
2. The committee will be chaired by the Lieutenant Governor.
3. No more than 30 additional members will be appointed by the Governor. Additional appointments will represent Missouri's diverse population. Membership on the committee will be bipartisan and representative of the state. The State Demographer shall be one of the members.
4. The Governor will, whenever possible, appoint members who have interaction with Complete Count Committees that have been, or will be, established at the local or sub-state level.
5. The committee shall begin work on an action plan soon after its formation that will identify specific areas or groups within Missouri, which are isolated geographically, linguistically, racially, culturally, or otherwise, that may be hard to enumerate. The plan also should identify strategies to overcome recognized barriers; develop campaigns targeted towards the identified areas or groups, which will build awareness of Census 2010; and encourage cooperation with enumerators.
6. The chair, in consultation with the Governor, will decide if the committee will have subcommittees. The purpose of each subcommittee will be to help the committee better effect its mission on a particular geographic region of group of citizens within the state of Missouri.

7. The committee members shall not be compensated for their services other than reimbursement of costs directly associated with the execution of their duties, subject to appropriation.
8. The committee is authorized to submit requests for appropriations necessary to carry out its charge.
9. The committee shall fulfill this charge in the most cost-effective manner possible.
10. Staff support will be provided by the Lt. Governor and Office of Administration.
11. The committee shall meet at least quarterly until March 31, 2010, and as often as is required thereafter to complete this charge.
12. Wherever possible, the committee should coordinate its efforts with those of the United States Bureau of the Census and Complete Count Committees established at the local or sub-state level.
13. The committee shall submit a final report to the Governor summarizing its activities and suggesting improvements to Missouri's Complete Count Committee for Census 2020.

The committee will complete its work and submit its final report by June 30, 2011.



ATTEST:

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 21st day of October, 2008.

A handwritten signature in black ink, appearing to read "Matt Blunt", written over a horizontal line.

Matt Blunt
Governor

A handwritten signature in black ink, appearing to read "Robin Carnahan", written over a horizontal line.

Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
08-35**

WHEREAS, the Division of Mental Retardation and Developmental Disabilities was established within the Department of Mental Health in 1974; and

WHEREAS, the Division serves a population that has developmental disabilities such as mental retardation, cerebral palsy, head injuries, autism, epilepsy, and certain learning disabilities; and

WHEREAS, the Division strives to improve the lives of persons with developmental disabilities through programs and services to enable those persons to live independently and productively; and

WHEREAS, the Division should be restructured to reflect more accurately its broad mission of assisting those with developmental disabilities.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the state of Missouri, including the Omnibus State Reorganization Act of 1974, do hereby order the Missouri Department of Mental Health to:

1. Create a division to be known as the Division of Developmental Disabilities; and
2. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Mental Retardation and Developmental Disabilities to the Division of Developmental Disabilities, by Type I transfer, as defined under the Reorganization Act of 1974; and
3. Develop mechanisms and processes necessary to effectively transfer the Division of Mental Retardation and Developmental Disabilities to the Division of Developmental Disabilities; and
4. Transfer the responsibility for staff support for the Division of Mental Retardation and Developmental Disabilities to the Division of Developmental Disabilities;
5. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation with this transfer; and
6. Abolish the Division of Mental Retardation and Developmental Disabilities.

This Order shall become effective no sooner than August 28, 2009, unless disapproved within sixty days of its submission to the First Regular Session of the 95th General Assembly.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 16th day of October, 2008.

A handwritten signature in black ink, reading "Matt Blunt", written over a horizontal line.

Matt Blunt
Governor

ATTEST:

A handwritten signature in black ink, reading "Robin Carnahan", written over a horizontal line.

Robin Carnahan
Secretary of State

**EXECUTIVE ORDER
08-36**

WHEREAS, the effects of a pandemic influenza would be widespread and disruptive to Missouri citizens, including employees of the state of Missouri; and

WHEREAS, it is the mission of the state of Missouri to maintain or improve the quality of life for its citizens; and

WHEREAS, many employees wish to help their fellow employees who may need assistance during a pandemic; and

WHEREAS, it is in the best interests of all Missourians to encourage teamwork and feelings of mutual concern and support among state employees; and

NOW, THEREFORE, I, Matt Blunt, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, do hereby order that the Departments and Agencies of the Executive Branch of Missouri State Government are authorized to adopt a Pandemic Flu Share Leave Program by which employees may donate a portion of their accrued annual or compensatory leave benefits to other employees who are unable to return to work for a significant period of time due to contracting influenza themselves or being required to care for family members who have been affected with influenza, and who have exhausted all accrued leave balances.

IT IS FURTHER ORDERED that a flu share leave program adopted under this order will adhere to the following terms and limitations:

Employees may donate any portion of their accrued annual or compensatory leave as defined by the Personnel Advisory Board.

Recipient employees must have exhausted all of their accrued leave.

Donations will be made to a departmental or agency donation pool established specifically for this purpose rather than from individual to individual.

Departmental policy will establish a method for determining the eligibility of persons who apply for Pandemic Flu Share Leave benefits from the donation pool.

Eligible employees will receive an equitable share of the leave from the available donation pool.

All donations of leave to the Pandemic Flu Share Leave program shall be voluntary.

Individual leave records are confidential, and only individual employees may reveal their donations or receipt of shared leave.

This authorization for a Pandemic Flu Share Leave program shall cover only situations created as a result of the Governor's Declaration of Statewide Emergency due to the statewide effects of Pandemic Influenza to the citizens of Missouri, and shall automatically expire six months after such declaration unless otherwise extended by the Governor.



ATTEST:

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 23rd day of October, 2008.

A handwritten signature in black ink, appearing to read "Matt Blunt", written over a horizontal line.

Matt Blunt
Governor

A handwritten signature in black ink, appearing to read "Robin Carnahan", written over a horizontal line.

Robin Carnahan
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 10—DEPARTMENT OF NATURAL RESOURCES Division 10—Air Conservation Commission Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.350 Emission Limitations and Emissions Trading of Oxides of Nitrogen. The commission proposes to delete subsection (1)(F) and amend subsection (3)(A). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found

at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/regs/index.html.

PURPOSE: *The purpose of this rule is to reduce the emissions of nitrogen oxides (NO_x) and establish a NO_x emissions trading program for the state of Missouri. The reductions in NO_x emissions will reduce the transport of ozone and its precursors within the state of Missouri and to other states as required under the Clean Air Act. The purpose of this rulemaking is to remove the sunset provision from this rule that was put in place to eliminate the requirements of the rule in 2009 for facilities subject to the Clean Air Interstate Rule (CAIR). This rule revision is necessary because of the District of Columbia Circuit Court of Appeals' decision to vacate the U.S. Environmental Protection Agency (EPA) CAIR, pending any appeal. In 2007, a sunset clause for 10 CSR 10-6.350 was created because CAIR was going to take the place of this rule. If CAIR is vacated, the oxides of nitrogen (NO_x) control rule will be a necessary regulation for fossil fuel-fired electric generating units (EGUs) in the state of Missouri. Control of NO_x emissions from these sources is necessary to address ozone formation in the state. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the United States Court of Appeals for the District of Columbia Circuit Case No. 05-1244 decided July 11, 2008, and an EPA letter to the department dated September 2, 2008, requesting this change.*

(1) Applicability.

[(If) The requirements of sections (3), (4), and (5) of this rule will not apply to the control period beginning in 2009 and any control period thereafter.]

(3) General Provisions.

(A) NO_x Emissions Limitations. Beginning May 1, 2004, the following NO_x emission rates shall apply:

1. EGUs located in the counties of Bollinger, Butler, Cape Girardeau, Carter, Clark, Crawford, Dent, Dunklin, Gasconade, Iron, Lewis, Lincoln, Madison, Marion, Mississippi, Montgomery, New Madrid, Oregon, Pemiscot, Perry, Phelps, Pike, Ralls, Reynolds, Ripley, St. Charles, St. Francois, Ste. Genevieve, Scott, Shannon, Stoddard, Warren, Washington, and Wayne[,] shall limit emissions of NO_x to the more stringent of a rate of 0.25 lbs NO_x/million British thermal units [*per hour*] (mmBtu) of heat input during the control period or any applicable permitted NO_x limitation under 10 CSR 10-6.060.

2. EGUs located in the City of St. Louis and the counties of Franklin, Jefferson, and St. Louis shall limit emissions of NO_x to the more stringent rate of 0.18 lbs NO_x/mmBtu of heat input during the control period, or any applicable permitted NO_x limitation under 10 CSR 10-6.060. For the purpose of calculating ERCs under subparagraph (3)(B)5.C. of this rule, the regulated NO_x emission rate (NO_xER_p) for units located in these areas shall be 0.25 lbs NO_x/mmBtu.

3. EGUs located in the counties of Buchanan, Jackson, Jasper, or Randolph shall limit emissions of NO_x to the more stringent rate of any applicable permitted NO_x limitation under 10 CSR 10-6.060 or the less stringent of:

A. 0.35 lbs NO_x/mmBtu of heat input during the control period; or

B. 0.68 lbs NO_x/mmBtu of heat input during the control period, provided that the unit is a cyclone EGU and burns tire-derived fuel in a quantity of at least one hundred thousand (100,000) PTEs per year. For installations with multiple cyclone EGUs, compliance with the one hundred thousand (100,000) PTE burned per year may also be based on the average number of PTEs burned per cyclone EGU.

4. EGUs located in any county not identified in paragraph

(3)(A)1., (3)(A)2., or (3)(A)3. of this rule shall limit emissions of NO_x to the more stringent of a rate of 0.35 lbs NO_x/mmBtu of heat input during the control period or any applicable permitted NO_x limitation under 10 CSR 10-6.060.

5. In lieu of complying with the applicable emission limitations in paragraphs (3)(A)1. through (3)(A)4. of this rule, any affected unit may comply through the NO_x emissions trading program under subsection (3)(B) of this rule.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Feb. 15, 2000, effective Sept. 30, 2000. Amended: Filed Dec. 4, 2002, effective Aug. 30, 2003. Amended: Filed Oct. 2, 2006, effective May 30, 2007. Amended: Filed Oct. 24, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., February 3, 2009. The public hearing will be held at the Governor Office Building, Room 450, 200 Madison Street, Jefferson City, MO 65101. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., February 10, 2009. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling
and Reference Methods and Air Pollution Control
Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.360 Control of NO_x Emissions From Electric Generating Units and Non-Electric Generating Boilers. The commission proposes to delete subsection (1)(H) and amend subsection (3)(C). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, www.dnr.mo.gov/reg/index.html.

PURPOSE: This rule reduces emissions of oxides of nitrogen (NO_x) to ensure compliance with the federal NO_x control plan to reduce the transport of air pollutants. The rule establishes an emission budget for large electric generating units and non-electric generating boilers. The purpose of this rulemaking is to remove the sunset provision from this rule that was put in place to eliminate the requirements of the rule in 2009 for facilities subject to the Clean Air Interstate Rule (CAIR). This rule revision is necessary because of the District of

Columbia Circuit Court of Appeals' decision to vacate the Environmental Protection Agency (EPA) CAIR, pending any appeal. In 2007, a sunset clause for 10 CSR 10-6.360 was created because CAIR was going to take the place of this rule. If CAIR is vacated, the oxides of nitrogen (NO_x) control rule will be a necessary regulation for fossil fuel-fired electric generating units (EGUs), non-electric generating boilers, combined cycle systems, and combustion turbines in the state of Missouri. Control of NO_x emissions from these sources is necessary to address ozone formation in the state. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is the United States Court of Appeals for District of Columbia Circuit Case No. 05-1244 decided July 11, 2008, and an EPA letter to the department dated September 2, 2008, requesting this change.

(1) Applicability.

[(H) The requirements of sections (3), (4) and (5) of this rule will not apply to the control period beginning in 2009 and any control period thereafter.]

(3) General Provisions.

(C) NO_x Budget Permits.

1. General NO_x budget trading program permit requirements.

A. For each NO_x budget source required to have a federally enforceable permit, such permit shall include a NO_x budget permit administered by the director.

(I) For NO_x budget sources required to have a Title V operating permit, the NO_x budget portion of the Title V permit shall be administered in accordance with the director's Title V operating permits regulations promulgated under 40 CFR 70 or 71, except as provided otherwise by subsection (3)(C) or (H) of this rule.

(II) For NO_x budget sources required to have a non-Title V permit, the NO_x budget portion of the non-Title V permit shall be administered in accordance with the director's regulations promulgated to administer non-Title V permits, except as provided otherwise by subsection (3)(C) or (H) of this rule.

B. Each NO_x budget permit (including a draft or proposed NO_x budget permit, if applicable) shall contain all applicable NO_x budget trading program requirements and shall be a complete and segregable portion of the permit under subparagraph (3)(C)1.A. of this rule.

2. Submission of NO_x budget permit applications.

A. The NO_x authorized account representative of any NO_x budget source required to have a federally enforceable permit shall submit to the director a complete NO_x budget permit application under paragraph (3)(C)3. of this rule by the applicable deadline in subparagraph (3)(C)/3./2.B. of this rule.

B. Application time.

(I) For NO_x budget sources required to have a Title V operating permit:

(a) For any source, with one (1) or more NO_x budget units under section (1) of this rule that commence operation before January 1, 2006, the NO_x authorized account representative shall submit a complete NO_x budget permit application under paragraph (3)(C)3. of this rule covering such NO_x budget units to the director at least eighteen (18) months (or such lesser time provided under the director's Title V operating permits regulations for final action on a permit application) before May 1, 2007.

(b) For any source, with any NO_x budget unit under section (1) of this rule that commences operation on or after January 1, 2006, the NO_x authorized account representative shall submit a complete NO_x budget permit application under paragraph (3)(C)3. of this rule covering such NO_x budget unit to the director at least eighteen (18) months (or such lesser time provided under the director's Title V operating permits regulations for final action on a permit application) before the later of May 1, 2007 or the date on which the NO_x budget unit commences operation.

(II) For NO_x budget sources required to have a non-Title V permit:

(a) For any source, with one (1) or more NO_x budget units under section (1) of this rule that commence operation before January 1, 2006, the NO_x authorized account representative shall submit a complete NO_x budget permit application under paragraph (3)(C)3. of this rule covering such NO_x budget units to the director at least eighteen (18) months (or such lesser time provided under the director's non-Title V permits regulations for final action on a permit application) before May 1, 2007.

(b) For any source, with any NO_x budget unit under section (1) of this rule that commences operation on or after January 1, 2006, the NO_x authorized account representative shall submit a complete NO_x budget permit application under paragraph (3)(C)3. of this rule covering such NO_x budget unit to the director at least eighteen (18) months (or such lesser time provided under the director's non-Title V permits regulations for final action on a permit application) before the later of May 1, 2007 or the date on which the NO_x budget unit commences operation.

C. Duty to reapply.

(I) For a NO_x budget source required to have a Title V operating permit, the NO_x authorized account representative shall submit a complete NO_x budget permit application under paragraph (3)(C)3. of this rule for the NO_x budget source covering the NO_x budget units at the source in accordance with the director's Title V operating permits regulations addressing operating permit renewal.

(II) For a NO_x budget source required to have a non-Title V permit, the NO_x authorized account representative shall submit a complete NO_x budget permit application under paragraph (3)(C)3. of this rule for the NO_x budget source covering the NO_x budget units at the source in accordance with the director's non-Title V permits regulations addressing permit renewal.

3. Information requirements for NO_x budget permit applications. A complete NO_x budget permit application shall include the following elements concerning the NO_x budget source for which the application is submitted, in a format prescribed by the director:

A. Identification of the NO_x budget source, including plant name and the Office of Regulatory Information Systems (ORIS) or facility code assigned to the source by the Energy Information Administration, if applicable;

B. Identification of each NO_x budget unit at the NO_x budget source and whether it is a NO_x budget unit under section (1) of this rule or under subsection (3)(H) of this rule; and

C. The standard requirements under subsection (3)(A) of this rule.

4. NO_x budget permit contents.

A. Each NO_x budget permit (including any draft or proposed NO_x budget permit, if applicable) will contain, in a format prescribed by the director, all elements required for a complete NO_x budget permit application under paragraph (3)(C)3. of this rule as approved or adjusted by the director.

B. Each NO_x budget permit is deemed to incorporate automatically the definitions of terms under section (2) of this rule and, upon recordation by the administrator under subsections (3)(F), (G), or (H) of this rule, every allocation, transfer, or deduction of a NO_x allowance to or from the compliance accounts of the NO_x budget units covered by the permit or the overdraft account of the NO_x budget source covered by the permit.

5. Effective date of initial NO_x budget permit. The initial NO_x budget permit covering a NO_x budget unit for which a complete NO_x budget permit application is timely submitted under subparagraph (3)(C)2.B. of this rule shall become effective by the later of:

A. May 1, 2007;

B. May 1 of the year in which the NO_x budget unit commences operation, if the unit commences operation on or before May 1 of that year;

C. The date on which the NO_x budget unit commences operation, if the unit commences operation during a control period; or

D. May 1 of the year following the year in which the NO_x budget unit commences operation, if the unit commences operation on or after October 1 of the year.

6. NO_x budget permit revisions.

A. For a NO_x budget source with a Title V operating permit, except as provided in subparagraph (3)(C)4.B. of this rule, the director will revise the NO_x budget permit, as necessary, in accordance with the director's Title V operating permits regulations addressing permit revisions.

B. For a NO_x budget source with a non-Title V permit, except as provided in subparagraph (3)(C)4.B. of this rule, the director will revise the NO_x budget permit, as necessary, in accordance with the director's non-Title V permits regulations addressing permit revisions.

AUTHORITY: section 643.050, RSMo 2000. Original rule filed Feb. 14, 2005, effective Oct. 30, 2005. Amended: Filed Oct. 2, 2006, effective May 30, 2007. Amended: Filed Oct. 24, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., February 3, 2009. The public hearing will be held at the Governor Office Building, Room 450, 200 Madison Street, Jefferson City, MO 65101. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., February 10, 2009. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 1—Organization and Administration**

PROPOSED AMENDMENT

11 CSR 45-1.090 Definitions. The commission is amending subsection (5)(H).

PURPOSE: This amendment deletes reference to the five hundred dollar (\$500)-loss limit which was repealed during the general election by voter initiative.

(5) Definitions beginning with E—

(H) Excursion—A two (2)-hour period approved by the commission that an excursion gaming boat shall operate and, if required, cruise[, provided; however, that when circumstances beyond the control of the Class A licensee arise that create an inability to track the five hundred dollar (\$500)-loss limit for any excursion, as provided in 11 CSR 45-6.040, the excursion shall automatically terminate and the following excursion must consist of the remaining time scheduled for the terminated excursion plus the entire time of the immediately following scheduled excursion. This period of time shall include reasonable time for boarding and exiting the boat, which shall be established by the commission based on the licensee's ability to enforce the five hundred dollar (\$500)-loss limit]. The commission may allow patrons to board and exit the

boat at will if the *[licensee can demonstrate that the five hundred dollar (\$500)-loss limit can be enforced and that the]* integrity of the admission fee collection process can be maintained. Gaming may be permitted at any time during the excursion. The commission shall approve all schedules of excursion prior to the schedule becoming effective. The provisions of this definition to the contrary notwithstanding, the commission may approve an excursion schedule that includes a single three (3)-hour excursion if it is the last excursion of the gaming day.

AUTHORITY: sections 313.004, 313.805, and 313.817, RSMo 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. Amended: Filed Oct. 29, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for January 6, 2009 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 5—Conduct of Gaming

PROPOSED AMENDMENT

11 CSR 45-5.053 Policies. The commission is deleting section (5) and renumbering section (6) to section (5).

PURPOSE: This amendment deletes reference to the five hundred dollar (\$500)-loss limit which was repealed during the general election by voter initiative.

[(5) The holder of a Class A license will insure that a person's maximum loss will be no more than five hundred dollars (\$500) during each gambling excursion.]

[(6)](5) Wagers may only be made—

- (A) By a person present on a licensed gambling boat;
- (B) By persons twenty-one (21) years of age or older; and
- (C) At the times allowed by the commission.

AUTHORITY: sections 313.004, 313.805, [RSMo 1994] and 313.807, RSMo [Supp. 1999] 2000. Original rule filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed May 13, 1998, effective Jan. 30, 1999. Amended: Filed March 1, 2000, effective Sept. 30, 2000. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. Amended: Filed Oct. 29, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for January 6, 2009 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 5—Conduct of Gaming

PROPOSED AMENDMENT

11 CSR 45-5.100 Chip Specifications. The commission is amending sections (1) and (2).

PURPOSE: This amendment adds new denominations for value chip specifications and reflects prior changes to the definition of Class A and Class B licensees and to surveillance requirements.

(1) Value Chips.

(A) Each chip issued by a holder of a Class *[A]* **B** license shall be round in shape, have clearly and permanently impressed, engraved or imprinted on it the name of the riverboat and the specific value of the chip, and at least on one (1) side of the chip, the city or other locality and the state where the establishment is located and the manufacturer's name or a distinctive logo or other mark identifying the manufacturer, except that a holder of a Class *[A]* **B** license may issue gaming chips without a value impressed, engraved or imprinted on it for roulette. Chips with a value contained on them shall be known as value chips and chips without a value contained on them shall be known as nonvalue chips.

(B) Unless otherwise authorized by the commission, value chips may be issued by Class *[A]* **B** licensees in denominations of fifty cents, one, two and one-half, five, *[twenty,]* twenty-five, one hundred, *[and]* five hundred, **one thousand, five thousand, and ten thousand** dollars (50¢, \$1, \$2.50, \$5, *[\$20,]* \$25, \$100, *[and]* \$500, **\$1,000, \$5,000 and \$10,000**). The licensees shall have the discretion to determine the denominations to be utilized on its riverboat and the amount of each denomination necessary for the conduct of gaming operations.

(C) Each denomination of value chip shall have a different primary color from every other denomination of value chip. Unless otherwise approved by the commission, value chips shall fall within the colors set forth in this subsection when the chips are viewed both in daylight and under incandescent light. In conjunction with these primary colors, each holder of a Class *[A]* **B** license shall utilize contrasting secondary colors for the edge spots on each denomination of value chip. Unless otherwise approved by the commission, no holder of a Class *[A]* **B** license shall use a secondary color on a specific denomination of chip identical to the secondary color used by another holder of a Class *[A]* **B** license on that same denomination of value chip. The primary color to be utilized by each holder of a Class *[A]* **B** license for each denomination of value chip shall be—

- | | | |
|-------------|--------------|----------------|
| 1. | 50¢ | Pink |
| 2. | \$ 1 | White |
| 3. | \$2.50 | Blue |
| 4. | \$ 5 | Red |
| <i>[5.]</i> | \$ 20 | Yellow] |
| <i>[6.]</i> | \$ 25 | Green |
| <i>[7.]</i> | \$100 | Black |

[8./7.	\$500	Fire Orange
8.	\$1,000	Purple
9.	\$5,000	Gray
10.	\$10,000	Yellow

(D) Each denomination of value chip utilized by a holder of a Class [A/ B] license unless otherwise authorized by the commission, shall—

1. Have its center portion impressed, engraved or imprinted with the value of the chip and the riverboat issuing it and utilize a different shape for each denomination;

2. Be designed so as to be able to determine on **surveillance** closed circuit [black and white] television the specific denomination of a chip when placed in a stack of chips of other denominations; and

3. Be designed, manufactured and constructed so as to prevent, to the greatest extent possible, the counterfeiting of value chips.

(2) Nonvalue Chips.

(B) Nonvalue chips issued at a roulette table shall only be used for gaming at that table and shall not be used for gaming at any other table in the riverboat, nor shall any holder of a Class [A/ B] license or its employees allow any riverboat patron to remove nonvalue chips permanently from the table from which they were issued.

(E) Each holder of a Class [A/ B] license shall have the discretion to permit, limit or prohibit the use of value chips in gaming at roulette provided, however, that it shall be the responsibility of the licensee to keep an accurate account of the wagers being made at roulette with value chips so that the wagers made by one player are not confused with those made by another player at the table.

AUTHORITY: sections 313.004, 313.805, and 313.817, RSMo 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed April 3, 2001, effective Oct. 30, 2001. Amended: Filed Oct. 29, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for January 6, 2009 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 6—Operation of the Riverboat

PROPOSED RESCISSION

11 CSR 45-6.040 Five Hundred Dollar-Loss Limit. This rule established enforcement of five hundred dollar (\$500)-loss limits.

PURPOSE: This rule is being rescinded as the five hundred dollar (\$500)-loss limit was repealed during the general election by voter initiative.

AUTHORITY: sections 313.004 and 313.805, RSMo 1994. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Emergency rescission filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. Rescinded: Filed Oct. 29, 2008.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for January 6, 2009 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 8—Accounting Records and Procedures; Audits

PROPOSED AMENDMENT

11 CSR 45-8.120 Handling of Cash at Gaming Tables. The commission is amending subsections (1)(B) and (1)(C) and deleting subsection (1)(D).

PURPOSE: This amendment deletes reference to the five hundred dollar (\$500)-loss limit which was repealed during the general election by voter initiative.

(1) Whenever cash is presented by a patron at a gaming table for exchange of gaming chips, the following procedures and requirements shall be observed:

(B) The cash value amount shall be verbalized by the dealer or box person accepting it in a tone of voice calculated to be heard by the patron and the casino supervisor assigned to that gaming table; **and**

(C) Immediately after that, the cash shall be taken from the top of the gaming table and placed by the dealer or box person into the drop box attached to the gaming table[; **and**].

[(D) All of subsections (1)(A)–(C) shall be consistent with the boat's enforcement of five-hundred (\$500) dollar-loss limits.]

AUTHORITY: sections 313.004, 313.805, and 313.817, RSMo [Supp. 1993] 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. Amended: Filed Oct. 29, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for January 6, 2009 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

PROPOSED AMENDMENT

11 CSR 45-9.010 Definition of Licensee. The commission is amending section (1).

PURPOSE: *This amendment reflects the changes to the definition of Class A and Class B licensees.*

(1) For purposes of this chapter, licensee shall mean the holder of a Class A, Class B, Supplier, Temporary Supplier or Affiliate Supplier license as determined by the commission.

AUTHORITY: *sections 313.004, 313.805, 313.812, and 313.817, RSMo [1994] 2000 and section 313.800, RSMo Supp. 2007. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Oct. 29, 2008.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for January 6, 2009 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

PROPOSED AMENDMENT

11 CSR 45-9.020 Objectives of an Internal Control System. The commission is amending section (1) and adding a new subsection (1)(C).

PURPOSE: *This amendment reflects the changes to the definition of Class A and Class B licensees and also clarifies who shall establish internal controls.*

(1) Each licensee **if so directed by the commission** shall establish an internal control system that includes the following:

(B) Accounting control which includes the plan of organization and the procedures and records that are concerned with the safeguarding of assets and the accuracy and reliability of financial records and are consequently designed to provide reasonable assurance that—

1. Transactions are performed only in accordance with management's specific or general authorization;

2. Transactions are recorded adequately to permit preparation of financial statements in conformity with generally accepted accounting principles, to permit proper reporting of adjusted gross receipts and of fees and taxes and to maintain accountability for assets;

3. Access to assets is permitted only in accordance with management's specific authorization;

4. Recorded accountability for assets is compared with actual assets at reasonable intervals and appropriate action is taken with respect to any discrepancies;

5. Functions, duties and responsibilities are appropriately segregated and performed by competent personnel with integrity and an understanding of prescribed procedures.

A. The internal auditor shall report only to the entity or person holding a */Class A/ Class B* license, or other reporting as approved by the commission.

B. Security personnel shall only report to an organizational level above that of gaming operations manager.

C. Surveillance personnel shall only report directly to an organizational level above that of general manager; and

6. Compliance with the statutes and rules is assured.

(C) Areas determined necessary by the commission.

AUTHORITY: *sections 313.004, 313.805, 313.812, and 313.817, RSMo [1994] 2000 and section 313.800, RSMo Supp. 2007. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 29, 2008.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for January 6, 2009 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

PROPOSED AMENDMENT

11 CSR 45-9.030 Minimum Internal Control Standards. The commission is amending sections (1) and (2) and adding new sections (3)–(22).

PURPOSE: *This amendment updates the requirements of the*

Minimum Internal Control Standards as incorporated by reference in Chapters B, D, E, H, I, J, N, P, Q, and R and also updates the Table of Contents. This amendment also designates a rule section to each chapter of the *Minimum Internal Control Standards* to allow for better management of the incorporated materials. Each section will list the effective date for that particular chapter as adopted by the commission.

The requirements of Chapters A, C, F, G, K, L, M, O, S and T are not currently being revised and consequently are not open to comment and will retain the effective date of the last revision to that chapter as listed in its corresponding section of this rule.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. [This incorporated material (Appendix A)] *The Minimum Internal Control Standards* may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in [Appendix A] the *Minimum Internal Control Standards* (MICS), which [has] have been incorporated by reference herein by individual chapters in this rule., as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. This rule does not incorporate any subsequent amendments or additions. The minimum internal control standards were published by the commission in 2007 and do not include any later amendments or additions.]

(2) Each licensee shall adopt an internal control system that complies with [Appendix A of this rule] the MICS. The procedures must be approved by the commission. In the event that [Appendix A of this rule is] the MICS are amended, each licensee whose procedures are affected by the amended minimum standards shall, within ten (10) days of the effective date of the amended rule, amend its written system, submit a copy of the written system as amended to the commission and comply with the standards and system as amended. The commission, in its sole and absolute discretion, may extend the time for complying with this rule.

(3) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter A-General and Administrative, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter A does not incorporate any subsequent amendments or additions as adopted by the commission on October 30, 2007.

(4) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter B-Key Controls, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter B does not incorporate any subsequent amendments or additions as adopted by the commission on October 29, 2008.

(5) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter C-Rules

of the Game, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter C does not incorporate any subsequent amendments or additions as adopted by the commission on October 30, 2007.

(6) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter D-Table Games (Live Games), which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter D does not incorporate any subsequent amendments or additions as adopted by the commission on October 29, 2008.

(7) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter E-Electronic Gaming Devices (EGDs), which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter E does not incorporate any subsequent amendments or additions as adopted by the commission on October 29, 2008.

(8) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter F-Poker Rooms, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter F does not incorporate any subsequent amendments or additions as adopted by the commission on October 30, 2007.

(9) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter G-Drops and Counts, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter G does not incorporate any subsequent amendments or additions as adopted by the commission on October 30, 2007.

(10) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter H-Casino Cashiering, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter H does not incorporate any subsequent amendments or additions as adopted by the commission on October 29, 2008.

(11) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter I-Casino Accounting, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter I does not incorporate any subsequent amendments or additions as adopted by the commission on October 29, 2008.

(12) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter J-Admissions, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter J does not

incorporate any subsequent amendments or additions as adopted by the commission on October 29, 2008.

(13) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter K—Currency Transaction Reporting, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter K does not incorporate any subsequent amendments or additions as adopted by the commission on October 30, 2007.

(14) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter L—Internal Audit, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter L does not incorporate any subsequent amendments or additions as adopted by the commission on October 30, 2007.

(15) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter M—Surveillance, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter M does not incorporate any subsequent amendments or additions as adopted by the commission on May 30, 2000.

(16) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter N—Security, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter N does not incorporate any subsequent amendments or additions as adopted by the commission on October 29, 2008.

(17) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter O—Purchasing and Contract Administration, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter O does not incorporate any subsequent amendments or additions as adopted by the commission on May 30, 2000.

(18) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter P—Excluded Persons, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter P does not incorporate any subsequent amendments or additions as adopted by the commission on October 29, 2008.

(19) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter Q—Disassociated Persons, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter Q does not incorporate any subsequent amendments or additions as adopted by the commission on October 29, 2008.

(20) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter R—Forms, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter R does not incorporate any subsequent amendments or additions as adopted by the commission on October 29, 2008.

(21) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter S—Management Information Systems (MIS), which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter S does not incorporate any subsequent amendments or additions as adopted by the commission on October 30, 2005.

(22) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter T—Tips, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter T does not incorporate any subsequent amendments or additions as adopted by the commission on October 30, 2007.

AUTHORITY: sections 313.004 and 313.805, RSMo 2000 and section 313.800, RSMo Supp. [2006] 2007. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. Amended: Filed Oct. 29, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for January 6, 2009 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 11—DEPARTMENT OF PUBLIC SAFETY

Division 45—Missouri Gaming Commission

Chapter 9—Internal Control System

PROPOSED AMENDMENT

11 CSR 45-9.040 Commission Approval of Internal Control System. The commission is amending section (1), deleting paragraph (1)(C)1. and renumbering paragraphs (1)(C)2.–25.

PURPOSE: This amendment deletes reference to the five hundred dollar (\$500)-loss limit which was repealed during the general election

by voter initiative and also clarifies who will establish internal controls.

(1) Each licensee **if so directed by the commission** shall describe, in a manner that the commission may approve or require, its administrative and accounting procedures in detail in a written system of internal control. Each written system must include a detailed narrative description of the administrative and accounting procedures designed to satisfy the requirements of 11 CSR 45-9.020 and 11 CSR 45-9.030(1). Additionally, this description shall include a separate section for the following:

(C) A detailed, narrative description of the administrative and accounting procedures designed to satisfy the requirements of 11 CSR 45-9.020 and 11 CSR 45-9.030(1). Additionally, this description shall include a separate section for the following:

[1.] *Procedures to insure that no person shall lose more than five hundred dollars (\$500) during each gambling excursion;*

[2.]/1. Procedures to account for the total number and amount of money received from admissions, including free passes or complimentary admission tickets;

[3.]/2. Physical characteristics of drop box and tip box;

[4.]/3. Transportation of drop and tip boxes to and from gaming tables;

[5.]/4. Procedures for table inventories;

[6.]/5. Procedures for opening and closing gaming tables;

[7.]/6. Procedures for fills and credits;

[8.]/7. Procedures for accepting tips or gratuities;

[9.]/8. Procedures for transporting chips and tokens to and from gaming tables;

[10.]/9. Procedures for shift changes at gaming tables;

[11.]/10. Drop bucket characteristics;

[12.]/11. Transportation of drop buckets to and from electronic gaming devices;

[13.]/12. Procedures for chip and token purchases;

[14.]/13. Procedures for hopper fills;

[15.]/14. Procedures for transportation of electronic gaming devices;

[16.]/15. Procedures for jackpot payout;

[17.]/16. Layout and physical characteristics of cashier's cage;

[18.]/17. Procedures for accounting controls;

[19.]/18. Procedures for exchange of checks submitted by gaming patrons;

[20.]/19. Procedures for credit card and debit card transactions;

[21.]/20. Procedures for acceptance, accounting for and redemption of patron's cash deposits;

[22.]/21. Procedures for control of coupon redemption and other complimentary distribution programs;

[23.]/22. Procedures for shoreside facilities, which is defined for purposes of this rule as those facilities based or built upon land;

[24.]/23. Procedures for federal cash transactions reporting; and

[25.]/24. Procedures for security and accountability of dice and cards; and

AUTHORITY: sections 313.004[,] and 313.805, RSMo [1994] 2000 and section 313.800, RSMo Supp. 2007. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed June 2, 1995, effective Dec. 30, 1995. Amended: Filed March 18, 1996, effective Oct. 30, 1996. Emergency amendment filed Oct 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. Amended: Filed Oct 29, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for January 6, 2009 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 11—Taxation Regulations**

PROPOSED AMENDMENT

11 CSR 45-11.020 Deposit Account—Taxes and Fees. The commission is amending section (1) and subsections (7)(D)–(F), and replacing the form.

PURPOSE: This amendment increases the tax rate as approved during the general election by voter initiative, and updates the form and the commission's mailing address.

(1) As authorized in section 313.822, RSMo, a tax is imposed on the adjusted gross receipts received from gambling games at the rate of [twenty] **twenty-one percent [(20%)] (21%)** (the "gaming tax").

(7) Licensees. Beginning in the first month, second day of operation, each licensee, as a condition of its license, shall deposit daily into the deposit account an amount sufficient to cover the estimated tax and fee liabilities for the previous day.

(D) In the event that the licensee's adjusted gross receipts result in a negative tax due or if overpayment is made, the licensee shall file a [deposit adjustment form, as set forth in Appendix A] **Claim for Refund or Credit Form, included herein**, along with the tax return.

(E) Every [deposit adjustment form] **Claim for Refund or Credit Form** must be in writing under oath and must state the specific grounds upon which the claim is founded. Amended returns are required to be filed for all periods involved within the weekly period defined in 11 CSR 45-11.030.

(F) The [deposit adjustment form] **Claim for Refund or Credit Form** shall be made available on the commission's website at www.mgc.dps.mo.gov and may be requested by writing to: Missouri Gaming Commission, [11775 Borman Drive, St. Louis, MO 63146] **Post Office Box 1847, Jefferson City, MO 65102-1847.**

Appendix A

[DEPOSIT ADJUSTMENT FORM

This form is submitted by _____, a Class A licensee (the "Licensee") in compliance with 11 CSR 45-11.020 to the Missouri Gaming Commission as a request for an adjustment to gaming tax or admission fee deposit liability. The undersigned, an authorized agent for the Licensee, states the following:

- (1) *The amounts listed below relate to a daily deposit tax or fee adjustment within the one week tax and fee collection period:*

Gaming Date: _____

Amount Deposited: _____

Amount Due for Deposit: _____

Amount of Overpayment to be Adjusted Within the Tax Period: _____

Proposed Gaming Date for Adjustment: _____

Type of Tax or Fee: _____

Reason for Adjustment: _____

- (2) *This deposit adjustment is being filed in duplicate and amended returns for all periods involved are attached hereto.*

(Signature)

(Name typed)

(Position)

(Company)

State of _____)

County of _____)

ss.

Subscribed and sworn to before me this _____ day of _____, 19____

(Notary Public)

SEAL:]



MISSOURI GAMING COMMISSION
P.O. BOX 1847
3417 KNIPP DRIVE
JEFFERSON CITY, MISSOURI 65102

CLAIM FOR REFUND OR CREDIT FORM

FOR COMMISSION USE ONLY

DATE RECEIVED

CLAIM NUMBER

This form is submitted by _____, a Class A licensee ("Licensee"), in compliance with 11 CSR 45-11.110, to the Missouri Gaming Commission ("Commission") as a claim for refund or credit for tax or fee liability. In submitting this form, Licensee states the following:

1. The tax or fee, penalty or interest, listed below has been paid by reason other than clerical error or mistake on the part of the Commission:

Gaming Date: _____ Type of Tax or Fee: _____

Tax or Fee Amount Paid: \$ _____

Tax or Fee Amount Due: \$ _____

Amount of Overpayment: \$ _____

Reason for overpayment: _____

2. This claim for refund or credit is being filed in duplicate and amended returns for all periods involved in the overpayment are attached hereto.

3. This claim for refund or credit is being filed within three (3) years from the date of overpayment, as determined under 11 CSR 45-11.110(1).

4. Pursuant to 11 CSR 45-11.110(2), Licensee is requesting the following action by the Commission (please check one):

_____ Issuance of a credit memorandum in the amount of overpayment, which may be applied in satisfaction of subsequent tax or fee liability.

_____ Issuance of a refund on the amount of overpayment. A refund shall only be available if a credit cannot be taken on the next return filed with the Commission.

5. Licensee acknowledges that a refund, in accordance with 11 CSR 45-11.110(5)(A), may be made with interest as determined by Section 32.065, RSMo, and that a credit, in accordance with 11 CSR 45-11.110(5)(B), shall be made without interest.

The undersigned declares this claim and any attached information supporting the claim is true, complete, and accurate and hereby acknowledges that, in accordance with Sections 313.812.14(1), and 313.830.4, RSMo, any holder of a Missouri gaming license who knowingly makes a false statement to the Commission, its agents, or employees is subject to discipline, including but not limited to fine, suspension, and revocation.

(NAME)

(SIGNATURE)

(POSITION)

(DATE)

FOR COMMISSION USE ONLY

Upon review of this claim and any attached information supporting the claim, the Commission has taken the following action:

_____ Approval Of The Claim In The Following Amounts: Refund/Credit Total: \$ _____

_____ Denial Of Claim: A request for a hearing to review a denial may be filed within 30-days from the date of denial. The hearing would be governed by 11 CSR 45-13.

Explanation: _____

(AUTHORIZED SIGNATURE)

(DATE)

Distribution: Original - MGC Copy - Claimant

AUTHORITY: sections 313.004, 313.805, 313.807, and 313.822, RSMo [1994] 2000 and sections 313.800, 313.820, and 313.835, RSMo [Supp. 1997] Supp. 2007. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. Amended: Filed Oct. 29, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for January 6, 2009 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 11—Taxation Regulations**

PROPOSED AMENDMENT

11 CSR 45-11.050 Admission Fee. The commission is amending section (1).

PURPOSE: This amendment clarifies the definition for a ticket of admission.

(1) An [admission boat] excursion gambling boat licensee shall pay to the commission an admission fee of two dollars (\$2) for each person embarking on an excursion gambling boat with a ticket of admission and one dollar (\$1) of this shall be paid to the home dock city or county; provided, however, that the licensee may charge any amount deemed necessary for a ticket of admission to any person embarking on an excursion gambling boat.

(A) As used in this chapter "ticket of admission" shall mean a device, mechanism, or procedure approved by the commission which provides a complete and accurate accounting of all patrons embarking on an excursion gambling boat.

AUTHORITY: sections 313.004[,] and 313.805, RSMo 2000 and section 313.820, RSMo [Supp. 1993] Supp. 2007. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Emergency amendment filed Oct. 29, 2008, effective Nov. 15, 2008, expires May 13, 2009. Amended: Filed Oct. 29, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for January 6, 2009 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 41—General Tax Provisions**

PROPOSED AMENDMENT

12 CSR 10-41.010 Annual Adjusted Rate of Interest. The director proposes to amend section (1).

PURPOSE: Under the Annual Adjusted Rate of Interest (section 32.065, RSMo), this amendment establishes the 2009 annual adjusted rate of interest to be implemented and applied on taxes remaining unpaid during calendar year 2009.

(1) Pursuant to section 32.065, RSMo, the director of revenue upon official notice of the average predominant prime rate quoted by commercial banks to large businesses, as determined and reported by the Board of Governors of the Federal Reserve System in the Federal Reserve Statistical Release H.15(519) for the month of September of each year has set by administrative order the annual adjusted rate of interest to be paid on unpaid amounts of taxes during the succeeding calendar year as follows:

Calendar Year	Rate of Interest on Unpaid Amounts of Taxes
1995	12%
1996	9%
1997	8%
1998	9%
1999	8%
2000	8%
2001	10%
2002	6%
2003	5%
2004	4%
2005	5%
2006	7%
2007	8%
2008	8%
2009	5%

AUTHORITY: section 32.065, RSMo 2000. Emergency rule filed Oct. 13, 1982, effective Oct. 23, 1982, expired Feb. 19, 1983. Original rule filed Nov. 5, 1982, effective Feb. 11, 1983. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Oct. 21, 2008, effective Jan. 1, 2009, expires June 29, 2009. Amended: Filed Oct. 21, 2008.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. This proposed amendment will result in a decrease in the interest rate charged on delinquent taxes. The precise dollar impact on public entities is unknown, however, for interest accrued on tax amounts owed as of or after the effective date of this rule, the cost to the public entities will be three dollars (\$3) per year for every one hundred dollars (\$100) of tax owed.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate. This proposed amendment will result in a decrease in the interest rate charged on delinquent taxes. The actual number of affected taxpayers is unknown. Because the future amount of past due taxes is unknown, the precise dollar impact on private entities is unknown, however, for interest accrued on tax amounts owed as of or after the effective date of this rule, the savings to the private entity will be three dollars (\$3) per year for every one hundred dollars (\$100) of tax owed.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST****I. RULE NUMBER**

Rule Number and Name:	12 CSR 10-41.010 Annual Adjusted Rate of Interest
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Counties	There are no expenditures required by this regulation. Because the amount of interest collected on past due amounts of taxes will decrease, the aggregate impact on public entities will be more than \$500. The future amount past due taxes is unknown, however, the gross amount of delinquent taxes as of June 30, 2008, was \$877,645,346. The decreased interest on that amount as a result of the proposed amendment would be \$26,329,360.38. The precise dollar impact on public entities is also unknown, however, for interest accrued on tax amounts owed as of or after the effective date of this rule, the cost to the public entities will be \$3 per year for every \$100 of tax owed.
Cities	
Special Taxing Districts	

III. WORKSHEET

The proposed amendment adjusts the rate of interest for 2009 at 5%, down from 8% in 2008.

IV. ASSUMPTIONS

Pursuant to section 32.065, RSMo, the director of revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percent.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-41.010 Annual Adjusted Rate of Interest
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Any taxpayer with past due tax amounts.	Any taxpayer with past due tax amounts.	Because the amount of interest collected on past due amounts of taxes will be at a decreased rate, the aggregate impact on private entities will be less than \$500. The future amount of past due taxes is unknown, however, the gross amount of delinquent taxes as of June 30, 2008, was \$877,645,346. The decreased interest on that amount as a result of the proposed amendment would be \$26,329,360.38. The precise dollar impact on private entities is also unknown, however, for interest accrued on tax amounts owed as of or after the effective date of this rule, the savings will be \$3 per year for every \$100 of tax owed.

III. WORKSHEET

The future amount of past due taxes is unknown. The gross amount of delinquent taxes as of June 30, 2008, was \$877,645,346. The 3% interest decrease on that amount as a

result of the proposed amendment would be \$26,329,360.38. Following is a comparison for the savings to a taxpayer with a past due amount of \$100:

	Current Rule – 8%	Proposed Amendment – 5%
Past due tax amount	\$100.00	\$100.00
Interest amount	8.00	5.00
Total Amount Due	\$108.00	\$105.00

IV. ASSUMPTIONS

Pursuant to Section 32.065, RSMo, the director of revenue is mandated to establish an annual adjusted rate of interest based upon the adjusted prime rate charged by banks during September of that year as set by the Board of Governors of the Federal Reserve rounded to the nearest full percent. Because the future amount of past due taxes is unknown, the precise dollar impact on private entities is also unknown, however, for interest accrued on tax amounts owed as of or after the effective date of this rule, the savings to the private entity will be \$3 per year for every \$100 of tax owed.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 30—Podiatry Program**

PROPOSED AMENDMENT

13 CSR 70-30.010 Podiatric Services Program. The division is amending section (2).

PURPOSE: The purpose of this amendment is to update the incorporated by reference material to December 1, 2008.

(2) Payment will be made for services by podiatrists who have an agreement with the MO HealthNet Division to the extent that those services are covered under the guidelines established by the MO HealthNet Division and shall be included in the MO HealthNet provider manuals **and bulletins**, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website www.dss.mo.gov/mhd, [July 1, 2008/ December 1, 2008]. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 208.201, RSMo Supp. 2007. This rule was previously filed as 13 CSR 40-81.130. Original rule filed Dec. 1, 1978, effective March 11, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed Oct. 31, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in-person, or by courier within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 98—Psychiatric/Psychology/Counseling/Clinical
Social Work Program**

PROPOSED AMENDMENT

13 CSR 70-98.015 Psychiatric/Psychology/Counseling/Clinical Social Work Program Documentation. The division is amending section (1).

PURPOSE: The purpose of this amendment is to update the incorporated by reference material to December 1, 2008.

(1) Administration. The MO HealthNet psychiatric/psychology/counseling/clinical social work program shall be administered by the Department of Social Services, MO HealthNet Division (MHD). The services covered and not covered, the limitations under which services are covered, and the maximum allowable fees for all covered services shall be determined by MHD and shall be included in the MO HealthNet Psychology/Counseling Provider Manual and Section

13.57 of the *Physician's Provider Manual*, which are incorporated by reference in this rule and available through the Department of Social Services, MO HealthNet Division website at www.dss.mo.gov/mhd, [July 1, 2008/ December 1, 2008]. This rule does not incorporate any subsequent amendments or additions. Psychiatric/psychology/counseling/clinical social work services shall include only those which are clearly shown to be medically necessary.

AUTHORITY: sections 208.152, 208.153, and 208.201, RSMo Supp. 2007. Original rule filed Nov. 14, 2003, effective June 30, 2004. Amended: Filed Oct. 30, 2007, effective April 30, 2008. Amended: Filed June 2, 2008, effective Nov. 30, 2008. Amended: Filed Oct. 31, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 20—Division of Environmental Health and
Communicable Disease Prevention
Chapter 3—General Sanitation**

PROPOSED RESCISSION

19 CSR 20-3.070 Fees Charged by Department of Health for Inspection of Existing On-Site Sewage Disposal System Requested by a Lending Institution. This rule established a fee to be charged by the Department of Health and Senior Services for inspection of an existing on-site sewage disposal system pursuant to a request by a lending institution. This fee is authorized by section 701.051, RSMo.

PURPOSE: This rule is being rescinded as it is outdated and no longer consistent with the procedures used pursuant to a request from a lending institution.

AUTHORITY sections 701.046 and 701.051, RSMo 1994. Emergency rule filed April 17, 1995, terminated April 26, 1995. Original rule filed April 17, 1995, effective Dec. 30, 1995. Rescinded: Filed Oct. 22, 2008.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Health and Senior Services, Division of Community and Public Health, Glenda R. Miller, Division Director,

PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 20—Division of Community and Public Health Chapter 3—General Sanitation

PROPOSED RULE

19 CSR 20-3.070 Requirements for On-Site Wastewater Treatment System Inspectors/Evaluators

PURPOSE: This rule establishes criteria for inclusion on the lists of those individuals licensed to inspect or evaluate on-site wastewater treatment systems for the purposes of real estate transactions.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability. The requirements and procedures included in this rule apply to individuals qualified to perform inspections and/or evaluations of existing on-site wastewater treatment systems upon a request from a lending institution, a prospective purchaser, the owner of the property, a real estate agent, or a real estate broker.

(2) Definitions.

(A) "Administrative authority" shall mean the department or local public health agencies, planning and zoning commissions, county building departments, county public works departments, sewer districts, and/or municipalities that have authority to govern on-site wastewater treatment systems.

(B) "Department" shall mean the Missouri Department of Health and Senior Services.

(C) "Lending institution" shall mean a bank, savings and loan association, credit union, consumer credit lender, mortgage banker, or any other association or institution, which makes real estate loans.

(D) "Licensed individual" shall mean any person, including staff of local administrative authorities, licensed by the department, to inspect or evaluate an existing on-site wastewater treatment system for the purposes of a real estate transaction.

(E) "On-site wastewater treatment system (OWTS)" shall mean any system handling, or treatment facility receiving, domestic sewage which discharges three thousand (3,000) gallons per day or less into a subsurface soil absorption system or a single-family residence lagoon.

(F) "Property owner" shall mean the person with the legal right to possession of real estate.

(G) "Requesting party" shall mean a lending institution, a prospective purchaser, the property owner, a real estate agent, or a real estate broker who requests an inspection or evaluation of an OWTS serving a property that is the subject of a real estate transaction.

(3) An individual must be licensed with the department to inspect or evaluate an existing OWTS upon the request from a lending institution, which is providing either a government loan or conventional loan, or from another requesting party in connection with a real estate transaction. If the inspection or evaluation determines that the OWTS does not meet department standards, any new construction,

major modification, or major repair must be conducted according to the standards set forth in sections 701.025 through 701.059, RSMo, and any rules promulgated thereunder or applicable local OWTS ordinance.

(4) As deemed necessary by the department, an inspection or evaluation of an OWTS will include a microbiological test and other examination(s) of the private water supply intended for potable use serving the same property as the OWTS. In addition, the inspection or evaluation will include an inspection of any visible portion of the water supply construction, from the source to the storage vessel, and may include review of the well drilling reports.

(5) If it is necessary to enter any adjoining property in the course of an inspection or evaluation to properly make a determination regarding the OWTS inspection/evaluation, a licensed individual shall notify the owner of the adjoining property and obtain permission before entry is made.

(6) An individual must be licensed with the department to perform inspections and evaluations of existing OWTS for the purposes of a real estate transaction. To be licensed with the department, an individual shall:

(A) Complete a basic installer training course conducted by or approved by the department with a score of seventy percent (70%) or higher;

(B) Complete a licensed inspector training course conducted by or approved by the department with a score of seventy percent (70%) or higher; and

(C) Complete the department's licensing process described in section (7) of this rule.

(7) Department's Licensing Process.

(A) The license shall be issued to only one (1) individual person and not to a company, firm, association, or other group. The license is not transferable.

(B) To obtain a license from the department, an individual must submit a completed application packet to the department for approval. Completed application packets shall be mailed to the Missouri Department of Health and Senior Services, Attention: Fee Receipts, PO Box 570, Jefferson City, MO 65102-0570.

(C) The application packet shall include the following:

1. The completed application form, Mo Form #1 (6-08), Application for Licensure, is incorporated by reference in this rule and is available on the Internet at www.dhss.mo.gov/Onsite or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570, (573) 751-6095. This rule does not incorporate any subsequent amendments or additions;

2. Documentation of the successful completion of both the basic installers training course and licensed inspector training course; and

3. A check or money order made payable to the Missouri Department of Health and Senior Services for the nonrefundable-processing fee of ninety dollars (\$90). The processing fee may be waived for the staff of a local administrative authority that has enacted local ordinances, which include requirements for inspections of existing OWTS that are at least equal to department standards.

(8) Department's Renewal Licensing Process. An individual's license with the department shall expire thirty-six (36) months from the month of issuance unless the license has been revoked or surrendered.

(A) To renew their license with the department, an individual must submit a renewal application packet to the department for approval. Completed application packets shall be mailed to the Missouri Department of Health and Senior Services, Attention: Fee Receipts, PO Box 570, Jefferson City, MO 65102-0570.

(B) The renewal application packet shall include:

1. The completed application form, Mo Form #2 (6-08), Application for Licensure Renewal, is incorporated by reference in this rule and is available on the Internet at www.dhss.mo.gov/Onsite or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570, (573) 751-6095. This rule does not incorporate any subsequent amendments or additions;

2. A check or money order made payable to the Missouri Department of Health and Senior Services for the nonrefundable-processing fee of ninety dollars (\$90). The processing fee may be waived for the staff of a local administrative authority that has enacted local ordinances, which include requirements for inspections of existing OWTS that are at least equal to department standards; and

3. Documentation of the applicant's successful completion, within the previous thirty-six (36) months of the following minimum continuing education:

A. For individuals who are renewing their license for the first time, at least twenty (20) hours of department-approved continuing education units of which at least eight (8) continuing education units shall meet select department criteria; or

B. For individuals who are renewing their license for the second or subsequent time, at least twelve (12) hours of department-approved continuing education units of which at least eight (8) continuing education units shall meet select department criteria.

(C) Individuals submitting a renewal application more than fifteen (15) calendar days after the previous license expires shall pay a late charge of ten dollars (\$10) in addition to the ninety-dollar (\$90) processing fee.

(D) License renewal applications will not be accepted if received by the department more than forty-five (45) calendar days after the previous license expires. Individuals submitting license renewal applications more than forty-five (45) calendar days after the expiration of their license will be required to complete the initial licensing process, including any department training requirements for an initial license.

(9) A fifteen-dollar (\$15) processing fee will be assessed for duplicate and/or replacement license identification cards.

(10) Standards of Practice for Licensed Individuals.

(A) A licensed individual shall:

1. Possess a current license with the department before conducting any inspection or evaluation of an OWTS;

2. Inspect or evaluate only those OWTS for which requests have been made for the purposes of real estate transactions. Investigations of complaints or alleged violations of Chapter 701, RSMo, may only be made by the department or a local administrative authority;

3. As part of an OWTS inspection or evaluation, collect a water sample from a private water supply for microbiological testing and inspect any visible portion of the water supply construction, from the source to the storage vessel;

4. Record their license number on all bids, proposals, contracts, invoices, inspection reports, evaluation reports, and other correspondence with the requesting party or the department;

5. Apply department standards for all inspections and evaluations of OWTS using the correct procedures and forms to complete the inspection or the evaluation. Combining inspection and evaluation procedures or forms is not acceptable;

6. Document inspections and evaluations accurately in writing on department-approved forms;

7. Clearly state any defect(s), if the OWTS is found to be malfunctioning or otherwise not meeting department standards;

8. Retain one (1) copy of the completed documentation of the inspection or evaluation for at least three (3) years and submit a copy to the department, the local administrative authority, if applicable, the requesting party, and the property owner;

9. Submit completed inspection/evaluation reports to the department within thirty (30) calendar days of completion, including water sample results if applicable; and

10. Notify the property owner that he/she is not obligated to contract for repair or re-inspection services with the initial licensed individual if the OWTS has been found to be malfunctioning or otherwise not meeting department standards. However, this paragraph does not preclude the licensed individual from offering these services to the owner.

(11) The department may audit the work of a licensed individual at any time to determine whether the standards of practice, as defined by this rule, are being met. Failure to adhere to department standards may be cause for placement on probation, suspension, or revocation of the license, or for mandatory successful completion of a training course and/or testing as described in section (6) of this rule. The audit may be an unannounced visit to the property inspected or evaluated, or a visit during an inspection or evaluation with or without prior appointment with the licensed individual.

(12) A licensed individual may have his/her license placed on probation, suspended, or revoked if the individual:

(A) Fails an audit or refuses to participate in an audit;

(B) Fails to submit reports, submits false reports, or allows another individual to use his/her license;

(C) Is convicted of a violation of any provisions of sections 701.025 through 701.059, RSMo, or any rules promulgated under these statutes;

(D) Has pled guilty or has been found guilty of an infraction, misdemeanor, or felony involving misrepresentation, fraud, or other crime relating to activities of inspecting, evaluating, installing, repairing, or otherwise associated with an OWTS;

(E) Directs or allows an unlicensed individual to conduct any part of an inspection or evaluation of an OWTS; or

(F) Fails to comply with the standards of practice established in this rule.

(13) The suspension or revocation of an individual's license shall be served in writing by certified mail or personal service to the affected individual or his/her representative. The decision of the department may be appealed to the Administrative Hearing Commission as provided in Chapters 536 and 621, RSMo.

(14) Any individual whose license has been revoked may not reapply for a license for at least one (1) year from date of revocation, must complete the department's training requirements for licensure described in section (6) of this rule, and complete the department's licensing process as described in section (7) of this rule.

(15) An individual may be permanently barred from reapplying for a license if the individual:

(A) Has pled guilty or has been found guilty of an infraction, misdemeanor, or felony involving misrepresentation, fraud, or other crime relating to activities associated with an OWTS; or

(B) Has his/her license revoked a second time within five (5) years.

(16) No person without a valid license may conduct any part of an inspection or evaluation of an OWTS, whether on his/her own or under supervision of a person with a valid license. Persons conducting inspections or evaluations without the required license, or representing themselves as licensed, are considered in violation of section 701.053, RSMo, which is a class A misdemeanor.

AUTHORITY: section 701.033, RSMo Supp. 2007, and sections 701.046 and 701.051, RSMo 2000. Emergency rule filed April 17, 1995, terminated April 26, 1995. Original rule filed April 17, 1995, effective Dec. 30, 1995. Rescinded and readopted: Filed Oct. 22, 2008.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities one hundred forty thousand five hundred eighty dollars (\$140,580) in the aggregate for initial licensures; one hundred twenty-five thousand six hundred seventy dollars (\$125,670) in the aggregate for initial licensure renewals; and eighty-three thousand seventy dollars (\$83,070) in the aggregate for second and subsequent licensure renewals.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Health and Senior Services, Division of Community and Public Health, Glenda R. Miller, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: 19-Health and Senior Services
Division Title: 20-Community and Public Health
Chapter Title: 3-General Sanitation**

Rule Number and Title:	19 CSR 20-3.070 Requirements for On-Site Wastewater Treatment System Inspectors/Evaluators.
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
213 individuals seeking initial licensure	Inspectors and Evaluators	\$140,580 in the aggregate
213 eligible for initial renewal	Inspectors and Evaluators	\$125,670 in the aggregate
213 eligible for second and subsequent renewal	Inspectors and Evaluators	\$83,070 in the aggregate

III. WORKSHEET

Individuals must be licensed with the department to inspect or evaluate an existing OWTS in connection with a real estate transaction. This is a long-standing and established program. To date, there are 213 inspectors and evaluators licensed with the department; licenses are valid for thirty-six months.

Due to the volume of changes, it was decided to propose a new rule rather than amend the current rule. Upon first review, this proposed rule may appear to adversely impact inspectors and evaluators. However, most licensed inspectors and evaluators have already renewed their licenses for the first time and would, therefore, economically benefit from the reduction in the number of continuing education units, proposed in this new rule, for second and subsequent renewals.

Initially, to become licensed with the department, an individual must successfully complete both basic installer and licensed inspector training courses in addition to paying a license-processing fee.

Initial Licensure

1. Cost for Basic Installer training course is \$250.
2. Cost for Licensed Inspector training course is \$320.

3. Cost for license processing is \$90.

A. $\$250 + \$320 + \$90 = \660 cost per individual

B. $213 \text{ inspectors and evaluators} \times \$660 = \$140,580$ in the aggregate

To renew their license for the first time, an individual must successfully complete a minimum of 20 continuing education units (CEU) within the previous thirty-six months in addition to paying a license-processing fee.

Initial Licensure Renewal

1. Cost for CEU is \$25

2. Cost for license processing is \$90

A. $20 \text{ CEU's} \times \$25 = \$500$

B. $\$500 + \$90 = \$590$ cost per individual

C. $213 \text{ inspectors and evaluators} \times \$590 = \$125,670$ in the aggregate

To renew their license for the second and subsequent time, an individual must successfully complete a minimum of 12 continuing education units (CEU) within the previous thirty-six months in addition to paying a license-processing fee.

Second and Subsequent Licensure Renewal

1. Cost for CEU is \$25

2. Cost for license processing is \$90

A. $12 \text{ CEU's} \times \$25 = \$300$

B. $\$300 + \$90 = \$390$ cost per individual

C. $213 \text{ inspectors and evaluators} \times \$390 = \$83,070$ in the aggregate

IV. ASSUMPTIONS

1. There are 213 additional individuals seeking initial licensure with the department.
2. All 213 licensed inspectors and evaluators will renew their license for the first renewal period within the next thirty-six months.
3. All 213 licensed inspectors and evaluators will renew their license for the second and subsequent time within the following thirty-six months.
4. Cost of one continuing education unit will be \$25.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES**

**Division 20—Division of [Environmental Health and
Communicable Disease Prevention] Community and
Public Health**

Chapter 3—General Sanitation

PROPOSED AMENDMENT

19 CSR 20-3.080 Requirements for Percolation Testers [or], On-Site Soils Evaluators and Registered On-Site Wastewater Treatment System Installers. The Department of Health and Senior Services is amending sections (1) through (10) and renumbering the remaining sections accordingly.

PURPOSE: This amendment adds definitions, modifies the language and location of various requirements for clarification purposes, and reduces the number of continuing educational units necessary for registration renewals.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of the rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of the reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) *[The following definitions shall apply to this rule:]*
Applicability. The requirements and procedures included in this rule apply to individuals qualified to perform percolation tests and/or soil morphology evaluations and installers who are seeking inclusion on the department's on-site wastewater treatment systems professionals registry.

(2) Definitions.

(A) "Administrative authority[—]" *[The governing body which may include, but is not limited to, county] shall mean the department or local public health [departments] agencies, planning and zoning commissions, county building departments, county public works departments, sewer districts, and/or municipalities [and the Missouri Department of Health and Senior Services which has, as authorized by statute, charter or other form of enabling authority, adopted regulations equal to or greater than sections 701.025 through 701.059, RSMo for] that have authority to govern individual on-site wastewater treatment systems[.].*

(B) "Advanced on-site wastewater treatment system (OWTS) installer[—]" *shall mean [A]an individual registered by the department to install advanced OWTS as listed by the department[.].*

(C) "Basic on-site wastewater treatment system (OWTS) installer" *shall mean an individual registered by the department to install basic OWTS as listed by the department.*

[(C)](D) "Department[—]" shall mean [T]the Missouri Department of Health and Senior Services[.].

[(D)](E) "Installer[—]" shall mean [A]any individual, [(other than a homeowner, who installs a system for their own personal use)], who alters, extends, repairs, or constructs[, an OWTS, including but not limited to, excavating[, or earthmoving work connected with the construction of an OWTS on behalf of, or under contract with, the property owner[.].

(F) "Licensed professional engineer" *shall mean any person authorized pursuant to the provisions of Chapter 327, RSMo, to practice as a professional engineer in Missouri, as the practice of engineering is defined in section 327.181, RSMo.*

[(E)](G) "On-site soil evaluator[s (OSE)—]" shall mean [(individuals including soil scientists, [as defined by section

701.040.1(2), RSMo;] licensed professional engineers, and registered geologists [as defined by section 701.040.1(2), RSMo with ten (10) semester hours of soils course work including three (3) semester hours of course work in soil morphology and interpretations; and] meeting the requirements of this rule[.].

[(F)](H) "On-site wastewater treatment system (OWTS)[—]" shall mean [A]any system [defined in section 701.025(8), RSMo as an "on-site sewage disposal system";] handling, or treatment facility receiving, domestic sewage which discharges three thousand (3,000) gallons per day or less into a subsurface soil absorption system or a single-family residence lagoon.

[(G) Basic on-site wastewater treatment system (OWTS) installer—An individual registered by the department to install basic OWTS as listed by the department; and]

(I) "Registered geologist" *shall mean any person authorized pursuant to the provisions of Chapter 256, RSMo, to practice as a registered geologist in Missouri, as defined in section 256.453(10), RSMo.*

[(H)](J) "Soil morphology evaluation[—]" shall mean [T]the method of testing or evaluating absorption qualities of the soil by physical examination of the [soils'] soil's color, mottling, texture, structure, topography, and hill-slope position.

(K) "Soil scientist" *shall mean a person that has successfully completed at least fifteen (15) semester credit hours of soils science course work, including at least three (3) hours of course work in soil morphology and interpretations.*

[(2)](3) An individual must be registered [by] with the department to conduct any part of a percolation test or soil morphology evaluation in which results are intended for use in the design [of an OWTS] or [to] installation of an OWTS according to the standards set forth in sections 701.025 through 701.059, RSMo, and 19 CSR 20-3.060.

(A) Percolation Tests.

[1. To obtain registration from] To register with the department to conduct [a] percolation tests, an individual shall:

[A.]1. Successfully complete a training course conducted by or approved by the department, [This training course] which shall include, at a minimum, course work, field work, a written examination, and a practical examination; or

[B.]2. [Submit documentation that he/she meets] Meet the definition[s] of [OSE] an on-site soil evaluator, licensed professional engineer, or registered geologist; and

[C.]3. Complete the department's registration process described in section [(3)] (5) of this rule.

(B) Soil *[m]Morphology [e]Evaluations. [shall be conducted by individuals meeting the definition of an OSE and meeting the requirements of this rule.*

1. To obtain registration from] To register with the department to perform soils morphology evaluations, an individual shall:

[A. Provide the following information:

[(I) An original transcript from the school or university attended mailed directly from the registrar to the department in Jefferson City;

[(II) Course descriptions from the school attended to verify the nature of the course work if requested; and

[(III) A copy of current applicable professional registration for licensed engineers or registered geologists indicating the registrant is in good standing;]

1. Meet the definition of a soil scientist with at least fifteen (15) semester credit hours of soils science course work, including at least three (3) hours of course work in soil morphology and interpretations; or

2. Meet the definition of a licensed professional engineer or registered geologist with at least ten (10) semester credit hours of soils science course work, including at least three (3) hours of course work in soil morphology and interpretations; and

[B.]3. Complete a written and [a] field test conducted by or

approved by the department with a score of seventy percent (70%) or higher on *[each]* all sections of each examination; and

[C.]4. Complete the department's registration process described in section *[(3)](5)* of this rule.

[(C)] Installation of On-site Wastewater Treatment Systems. The installation of any OWTS can only be done by an installer registered with the department,]

(4) An individual must be registered with the department, with the exception of a *[property]* homeowner meeting the requirements of section 701.055, RSMo., to install an OWTS. *[After July 1, 2005, o/Only installers registered as advanced OWTS installers shall install systems listed by the department as advanced OWTS.*

[1.](A) Basic OWTS Installer. [To obtain registration from] To register with the department as a basic OWTS installer, an individual shall:

[A.]1. Complete a basic installer training course conducted by or approved by the department with a score of seventy percent (70%) or higher; and

[B.]2. Complete the department's registration process described in section *[(3)] (5)* of this rule.

[2.](B) Advanced OWTS Installer. [To obtain registration from] To register with the department as an advanced OWTS installer, an individual shall:

[A.]1. Possess a basic OWTS installer's registration in good standing;

[B.]2. Complete an advanced OWTS installer training course conducted by or approved by the department with a score of seventy percent (70%) or higher; and

[C.]3. Complete the department's registration process described in section *[(3)] (5)* of this rule.

[(3)](5) Department's Registration Process.

(A) [To complete] To register with the department *[registration process]*, an individual *[shall]*:

1. *Complete an/ must submit a completed* application packet *[on a form approved by]* to the department *[and submit proof of professional engineer or registered geologist license if necessary for percolation tester or OSE registration;]* for approval. Completed application packets shall be mailed to the Missouri Department of Health and Senior Services, Attention: Fee Receipts, PO Box 570, Jefferson City, MO 65102-0570.

2. *Pay the registration or registration renewal fee at the time the application is submitted. Payment shall be made in the form of a personal check, certified or cashier's check or money order made payable to the Department of Health and Senior Services. This is a nonrefundable processing fee;*

3. *Pay a late charge of ten dollars (\$10) in addition to the registration renewal fee if an application is submitted more than fifteen (15) days after the previous registration expires. Registration renewal applications will not be accepted if more than forty-five (45) days after the previous registration expires. Individuals submitting registration renewal applications more than forty-five (45) days after expiration of their registration will be required to complete the original registration process, including any department training requirements for original registration; and*

4. *Each renewal application shall include a list of all continuing education units (CEU) completed for the thirty-six (36)-month period prior to the application. The department shall not grant a renewal of the registration unless the applicant provides documentation of successful completion of at least twenty (20) hours of department approved CEU, four (4) hours of which shall be provided by the department, within the thirty-six (36)-month period prior to the application.]*

[(B) All individuals certified, listed, or registered with the department before August 28, 2004, will receive a registra-

tion during the first year of implementation of this rule, valid for not more than thirty-six (36) months which shall be renewable upon completion of the department registration process as described in section (3) and paying a fee not to exceed ninety dollars (\$90). Each registration issued during the first year will be assigned an expiration date by the department.

(C) After August 28, 2004, individuals registering for the first time and paying a ninety-dollar (\$90) fee, will receive a registration valid for thirty-six (36) months, unless otherwise suspended, revoked or surrendered, and shall be renewable upon completion of the department registration process described in section (3), and paying a fee not to exceed ninety dollars (\$90).]

(B) The application packet shall include the following:

1. The completed application form, Mo Form #1 (6-08), Application for Registration, which is incorporated by reference in this rule and is available on the Internet at www.dhss.mo.gov/Onsite or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570, (573) 751-6095. This rule does not incorporate any subsequent amendments or additions;

2. For on-site soil evaluators, mail an original transcript from the college or university attended directly from the registrar to the Missouri Department of Health and Senior Services, Attention: Bureau of Environmental Regulation and Licensure, PO Box 570, Jefferson City, MO 65102-0570. If requested, provide course descriptions from the college or university attended to verify the nature of the course work;

3. For percolation testers and on-site soil evaluators, provide proof of licensure as a professional engineer or certificate of registration by the Board of Geologist Registration indicating the registrant is in good standing, if applicable; and

4. A check or money order made payable to the Missouri Department of Health and Senior Services for the nonrefundable-processing fee of ninety dollars (\$90).

(6) Department's Temporary and Probationary Registration Process.

*[(D) After August 28, 2004,](A) Upon completion of the department's registration process described in section (5) of this rule, the department may issue a one (1)-time temporary basic OWTS installer registration, valid for no more than one hundred eighty (180) calendar days for work in a specific county or counties. The temporary basic OWTS registration will be converted to a basic OWTS installer registration upon completion of a *[department approved]* training *[program and completion of the department registration process as described in section (3)]* course conducted by or approved by the department. Failure to complete the training or the department's registration process will result in termination of the individual's temporary basic OWTS installer registration.*

*[(E) After August 28, 2004,](B) [t/]*The department may issue a probationary basic OWTS installer registration for work in a specific county or counties. This registration will be valid for a specific period of time, as determined by the department, and will be dependent on the registered individual meeting and maintaining specific requirements as established by the department and completing the department's registration process as described in section (5) of this rule.

(7) Department's Renewal Registration Process. An individual's registration with the department shall expire thirty-six (36) months from its effective date unless the registration has been revoked or surrendered.

(A) To renew his or her registration with the department, an individual must submit a renewal application packet to the department for approval. Completed application packets shall

be mailed to the Missouri Department of Health and Senior Services, Attention: Fee Receipts, PO Box 570, Jefferson City, MO 65102-0570.

(B) The renewal application packet shall include:

1. The completed application form, Mo Form #2A (6-08), Application for Registration Renewal, which is incorporated by reference in this rule and is available on the Internet at www.dhss.mo.gov/Onsite or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570, (573) 751-6095. This rule does not incorporate any subsequent amendments or additions;

2. A check or money order made payable to the Missouri Department of Health and Senior Services for the nonrefundable-processing fee of ninety dollars (\$90); and

3. Documentation of the applicant's successful completion, within the previous thirty-six (36) months, of the following minimum continuing education:

A. For on-site soil evaluators, percolation testers, and basic and advanced OWTS installers who are renewing their registration for the first time, at least twenty (20) hours of department-approved continuing education units of which at least eight (8) continuing education units shall meet select department criteria;

B. For on-site soil evaluators and advanced OWTS installers who are renewing their registration for the second or subsequent time, at least twelve (12) hours of department-approved continuing education units of which at least eight (8) continuing education units shall meet select department criteria related to their OWTS profession; or

C. For basic OWTS installers and percolation testers who are renewing their registration for the second or subsequent time, at least eight (8) hours of department-approved continuing education units.

(C) Individuals submitting a renewal application more than fifteen (15) calendar days after the previous registration expires shall pay a late charge of ten dollars (\$10) in addition to the ninety dollar (\$90) registration-processing fee.

(D) Registration renewal applications will not be accepted if received by the department more than forty-five (45) calendar days after the previous registration expires. Individuals submitting registration renewal applications more than forty-five (45) calendar days after expiration of their registration will be required to complete the initial registration process, including any department training requirements for an initial registration.

(8) A fifteen-dollar (\$15) processing fee will be assessed for duplicate and/or replacement registration identification cards.

[[4)](9) Standards of Practice[—] for Percolation Testers, [OSE] On-Site Soil Evaluators, [or] and OWTS Installers.

(A) A percolation tester or [OSE] on-site soil evaluator shall:

1. Possess a current registration with the department before performing any activities related to a percolation test or soil morphology evaluation;

2. Record their registration number on all bids, proposals, contracts, invoices, percolation test reports, soil morphology evaluation reports, [or] and other correspondence with the [home] property owner [and] or administrative authority;

3. Provide true and accurate information on any application, percolation test report, soil morphology evaluation report, and any other OWTS documentation;

4. Maintain a current address and phone number with the department and submit any address or phone number changes to the department in writing within thirty (30) calendar days of the change taking place;

5. Conduct [P]percolation tests [must be conducted] in accordance with section (2) of 19 CSR 20-3.060; and

6. Conduct [S]site/soil morphology evaluations [completed

by an OSE must comply] in accordance with the standards detailed in sections (2) and (7) of 19 CSR 20-3.060. [including but not limited to the following items:] Specifically, the on-site soil evaluator shall:

A. Evaluate the nine (9) items listed in paragraphs (2)(A)2.[—] through 10. of 19 CSR 20-3.060;

B. Evaluate and classify six (6) site factors listed in subsection (7)(C) of 19 CSR 20-3.060, as suitable, provisionally suitable, or unsuitable according to subsections (7)(E) through (L) of 19 CSR 20-3.060;

C. Include a diagram showing location and extent of the area(s) evaluated;

D. Make recommendations regarding the use [or] and effectiveness of water lowering systems when there is evidence of a high water table; and

E. Based on subsection (7)(M) and Tables 13 and 14 of 19 CSR 20-3.060, for horizons that are not classified as unsuitable, assign a conventional soil loading rate for each horizon and assign an alternative soil loading rate for each horizon [at least] to a depth of at least twelve inches (12") below the likely depth of an alternative system.

(B) A registered basic OWTS installer or a registered advanced OWTS installer shall:

1. Possess a current basic OWTS installer registration or advanced OWTS installer registration with the department before beginning construction of [an on-site wastewater treatment system] any OWTS;

2. Record their registration number on all bids, proposals, contracts, invoices, permit application construction drawings, [or] and other correspondence with the [home] property owner [and] or administrative authority;

3. Provide true and accurate information on any application and any other OWTS documentation;

4. Notify the administrative authority if their involvement as the registered installer with the permit application and OWTS changes;

[4.]5. Begin the construction of an OWTS only after obtaining approval from the administrative authority, unless approval is not required;

[5.]6. Construct the OWTS meeting the construction standards and permit criteria required by sections 701.025[—] through 701.059, RSMo, and any rule adopted thereunder or the more stringent requirements of the administrative authority, if applicable;

[6.]7. Construct the OWTS that has been authorized by the administrative authority for the specific location identified in the application;

[7.]8. Be present at the construction site during construction and supervise all construction activities;

9. Provide required notice and an opportunity for inspection prior to completion of the OWTS installation as required by the administrative authority;

[8.]10. Submit complete and accurate "certification without on-site inspection form," when requested; [and]

11. Not create or increase a health or safety hazard, nuisance condition, or surface water or groundwater contamination when constructing, repairing, modifying, or troubleshooting an OWTS; and

[9.]12. Maintain a current address and phone number with the department and submit any address or phone number changes to the department in writing within thirty (30) calendar days of the change taking place.

[[5)](10) The department may audit the work of a percolation tester, [OSE] on-site soil evaluator, registered basic OWTS installer, or registered advanced OWTS installer at any time to determine whether the standards of practice, as defined by this rule, are being met. Failure to adhere to department standards may be cause for placement on probation, suspension, or revocation of the registration, or

for mandatory successful completion of a training course and/or testing as described in sections [(2)] (3) and (4) of this rule. The audit may be an unannounced visit to the property on which the percolation test, soil morphology examination, or [on-site sewage system] OWTS installation was conducted, which may include an independent soil percolation test or soil morphology examination, or a visit within the period of a soil percolation test, soil morphology examination, or [on-site sewage system] OWTS installation with or without prior appointment with the registered individual.

[(6)](11) A percolation tester, [OSE] on-site soil evaluator, registered basic OWTS installer, or registered advanced OWTS installer may have their registration placed on probation, suspended, or revoked if the individual:

(A) Fails to maintain any professional license necessary for registration as a percolation tester or [OSE] on-site soil evaluator;

(B) Fails an audit or refuses to participate in an audit;

(C) Fails to submit reports, submits false reports, or allows another individual to use his/her [license] registration;

(D) Is convicted of a violation of any provisions of sections 701.025 through 701.059, RSMo, or any rules promulgated under these statutes;

(E) Has [plead] pled guilty or has been found guilty of an infraction, misdemeanor, or felony involving misrepresentation, fraud, or other crime relating to activities of percolation testing, soil morphology evaluations, installing, repairing, inspecting, or otherwise associated with [on-site sewage disposal systems] an OWTS;

(F) Directs or allows an unregistered individual to conduct a percolation test[,] or soil morphology examination;

(G) Directs or allows an unregistered individual to install an [on-site wastewater treatment system] OWTS without direct supervision; or

(H) Fails to comply with the standards of practice established by this rule.

[(7)](12) The suspension or revocation of a percolation tester's [or OSE's], on-site soil evaluator's, or OWTS installer's registration shall be served in writing by certified mail or personal service to the affected individual or his/her representative. The decision of the department may be appealed to the Administrative Hearing Commission as provided in Chapters 536 and 621, RSMo.

[(8)](13) Any individual whose registration has been revoked may not reapply for registration for at least one (1) year from date of revocation, and must complete the department's training requirements for registration described in sections [(2)] (3) and (4) of this rule and complete the department's registration process as described in section [(3) above] (5) of this rule.

[(9)](14) An individual may be permanently barred from reapplying for registration if [—] the individual:

(A) [The individual h/Has] [plead] pled guilty or has been found guilty of an infraction, misdemeanor, or felony involving misrepresentation, fraud, or other crime relating to activities associated with an OWTS; or

(B) [The individual h/Has] his/her registration revoked a second time within five (5) years.

(15) No person without a valid registration may conduct any part of a percolation test or soil morphology evaluation for an OWTS, whether on their own or under supervision of a person with a valid registration. Persons conducting percolation tests or soil morphology evaluations without the required registration, or representing themselves as registered, are considered in violation of section 701.053, RSMo, which is a class A misdemeanor.

[(10)](16) No person as defined in section 701.025, RSMo, may authorize, permit, or knowingly allow [the installation of an on-

site wastewater treatment system] a percolation test or soil morphology evaluation for an OWTS by an unregistered individual or the installation of an OWTS by an unregistered individual other than the [property] homeowner.

AUTHORITY: sections 701.033, RSMo Supp. [2004] 2007 and section 701.040, RSMo 2000. Emergency rule filed April 17, 1995, terminated April 26, 1995. Original rule filed April 17, 1995, effective Dec. 30, 1995. Emergency amendment filed Sept. 2, 2004, effective Sept. 12, 2004, expired March 10, 2005. Rescinded and readopted: Filed Sept. 2, 2004, effective Feb. 28, 2005. Amended: Filed Oct. 22, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will generate a savings in the aggregate of eighty-four thousand dollars (\$84,000) for On-site Soil Evaluators and Advanced Installers and a savings of one hundred eleven thousand dollars (\$111,000) for Percolation Testers and Basic Installers.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Health and Senior Services, Division of Community and Public Health, Glenda R. Miller, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: 19-Health and Senior Services
Division Title: 20-Community and Public Health
Chapter Title: 3-General Sanitation**

Rule Number and Title:	19 CSR 20-3.080 Requirements for Percolation Testers, On-Site Soils Evaluators and Registered On-Site Wastewater Treatment System Installers.
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
420 eligible for 2 nd renewal in 2010	Onsite Soil Evaluators and Advanced Installers	A cost savings of \$84,000
370 eligible for 2 nd renewal in 2010	Percolation Testers and Basic Installers	A cost savings of \$111,000

III. WORKSHEET

Registration, with the department, is valid for thirty-six months. Currently, as part of the renewal process, all eligible individuals are required to complete 20 continuing education units (CEU's).

- During 2007, 420 onsite soil evaluators and advanced installers renewed their registration for the first time.
- In 2010, those same eligible individuals who renew for the second time will only be required to have completed 12 CEU's; a reduction of 8 CEU's.
 - $20 \text{ CEU's} - 12 \text{ CEU's} = 8 \text{ CEU's}$
 - $8 \text{ CEU's} \times \$25 = \$200 \text{ cost savings per individual}$
 - $420 \text{ Onsite Soil Evaluators and Advanced Installers} \times \$200 = \$84,000 \text{ cost savings}$
- During 2007, 370 percolation testers and basic installers renewed their registration for the first time.

4. In 2010, those same eligible individuals who renew for the second time will only be required to have completed 8 CEU's; a reduction of 12 CEU's.

A. $20 \text{ CEU's} - 8 \text{ CEU's} = 12 \text{ CEU's}$

B. $12 \text{ CEU's} \times \$25 = \$300 \text{ cost savings per individual}$

C. $370 \text{ Percolation Testers and Basic Installers} \times \$300 = \$111,000 \text{ cost savings}$

IV. ASSUMPTIONS

1. It is anticipated that comparable numbers of registered professionals will be eligible for second or later renewal as of 2010.
2. Cost of one continuing education unit will be \$25.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 20—Hospitals**

PROPOSED AMENDMENT

19 CSR 30-20.096 Nursing Services in Hospitals. The department is amending sections (8), (20), (27), (30), and (31), adding new sections (23), (24), (25), (26), (28), and (30) and renumbering thereafter.

PURPOSE: This amendment provides guidelines for a systematic approach to ensure safe and adequate nurse staffing levels.

(8) Policies shall be developed regarding the use of overtime. The policies shall be based on the following standards:

(E) Subsection (8)(D) is not applicable if overtime is permitted under subsections (8)(A), (B), and (C).;

(F) Nurses required to work more than twelve (12) consecutive hours under subsections (8)(A), (B), or (C) shall be provided the option to have at least ten (10) consecutive hours of uninterrupted off-duty time immediately following the worked time.;

(G) The nursing service shall maintain and make available upon request to the department a list of qualified nurses, nurse registries, and per diem nurses that may be called upon to provide replacement staff in the event of sickness, vacations, vacancies, disasters, and other absences of direct care nursing staff.

(20) All nursing personnel shall be oriented to the hospital, nursing services, their position classification *[and]*, the use of overtime, **and the nursing service regulation 19 CSR 30-20.096.** The orientation shall be of sufficient length and content to prepare nursing personnel for their specified duties and responsibilities. Competency shall be validated prior to assuming independent performance in actual patient situations.

(23) Every hospital shall develop, implement, and submit to the department by April 1, 2009, and annually thereafter at the start of the hospital's fiscal year, a written hospital-wide staffing plan for nursing services. Every hospital shall have a process that ensures the consideration of input from direct care nursing staff from each unit within the hospital.

(24) The hospital-wide staffing plan for nursing services shall:

(A) Include the number, skill mix, and qualifications of direct care nursing staff needed for each unit of the hospital;

(B) Be based on the expected nursing care required by the unit population and individual needs of each patient. The expected unit population and individual nursing care needs of each patient shall be the major consideration in determining the number and skill mix of direct care nursing staff needed;

(C) Identify relevant factors in each hospital unit including, but not limited to, the number of patients in a unit; intensity of care required; skill and experience of care givers including registered nurses, licensed practical nurses, ancillary personnel, and other members of the patient care team consistent with the level of authority and responsibility delegated under state licensure; admission, discharge, and transfers; nonpatient care duties; geography of a unit; and the availability of technological support; and

(D) Provide for documentation of the actual staffing plan.

(25) Every hospital shall establish nursing sensitive indicators and monitor outcomes of these indicators to evaluate the adequacy of the hospital-wide staffing plan for nursing services. At least one (1) of each of the following three (3) types of outcomes shall be used to evaluate the adequacy of the staffing plan:

(A) Patient outcomes such as patient falls, adverse drug events, injuries to patients, skin breakdown, infection rates, length of stay, or patient readmissions;

(B) Operational outcomes such as work-related injury or illness, vacancy and turnover rates, nursing care hours per patient day, on-call use, or overtime rates; and

(C) Validated patient complaints related to staffing levels.

(26) The hospital shall, in consultation with its direct care nursing staff, monitor and evaluate the hospital-wide staffing plan and nursing sensitive outcomes for effectiveness on a continual basis and revise the plan annually and as necessary.

[(23)](27) Each facility shall develop and utilize a methodology which ensures *[adequate nurse staffing that will meet the needs of the patients. At a minimum, on duty at all times there shall be a sufficient number of registered professional nurses to provide patient care requiring the judgment and skills of a registered professional nurse and to supervise the activities of all nursing personnel]* **it is staffed with sufficient numbers and skill mix of appropriately qualified direct care nursing staff in each unit to meet the unit population and individualized care needs of the patients. Each unit shall document actual staffing and patient census during every shift.**

(28) At a minimum, there shall be a sufficient number of registered professional nurses on duty at all times to provide patient care requiring the judgment and skills of a registered professional nurse and to supervise the activities of all nursing personnel.

[(24)](29) There shall be sufficient licensed and ancillary nursing personnel on duty on each nursing unit to meet the needs of each patient in accordance with accepted standards of nursing practice.

(30) Each nursing unit shall post in a visible location on the nursing unit or make available to the patient(s) or patient's authorized representative a copy of the unit's hospital-wide staffing plan for nursing services and documentation of actual daily staffing levels.

[(25)](31) Patient care assignments shall be consistent with the qualifications of the nursing personnel and the identified patient needs. **Nurses included in the count of direct care nursing staff in a unit of a hospital for purposes of compliance with the hospital-wide staffing plan shall have appropriate licensing, training, and orientation to ensure that the nurses are capable of providing competent nursing care to the patients in the unit. Hospitals shall also verify that nurses included in the count are capable of providing competent nursing care to the patients in the unit. Nurses included in the count shall spend a minimum of seventy-five percent (75%) of their time providing direct patient care.**

[(26)](32) Documentation in the patient's medical record shall reflect use of the nursing process in the delivery of care throughout the patient's hospitalization.

[(27)](33) A registered professional nurse shall assess the patient's needs for nursing care in all settings where nursing care is provided. A nursing assessment shall be completed within twenty-four (24) hours of admission as an inpatient. The registered professional nurse may be assisted in the process by other qualified nursing staff members.

[(28)](34) Patient education and discharge needs shall be addressed and appropriately documented in the medical records.

[(29)](35) The necessary types and quantities of supplies and equipment shall be available to meet the current needs of each patient.

Reference materials pertinent to patient care shall be readily accessible.

AUTHORITY: sections 192.006 and 197.080, RSMo 2000 and section 197.154, RSMo Supp. 2007. This rule previously filed as 19 CSR 30-20.021(3)(E). Original rule filed June 27, 2007, effective Feb. 29, 2008. Amended: Filed Oct. 22, 2008.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately forty-eight thousand, two hundred thirty-three dollars (\$48,233) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately one hundred seventy-four thousand, five hundred dollars (\$174,500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Kimberly O'Brien, Director of the Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after the publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30 – 20.096 Nursing Services
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Health and Senior Services	\$14,233
34 State licensed hospitals operated by counties, cities or hospital districts	\$34,000
Total	\$48,233

III. WORKSHEET

State licensed hospitals 151
State licensed hospitals operated by
counties, cities or hospital districts 34

Hospitals:

Methodology/policy revision/education: 34 hospitals X \$1,000 per hospital = \$34,000

Department of Health and Senior Services:

151 state licensed hospitals X 3 hours of review X \$31.42 hourly rate of review staff
(includes fringe) = \$14,233 annually

IV. ASSUMPTIONS

The Department of Health and Senior Services worked with the Missouri Hospital Association and the members of the Technical Advisory Committee on quality of patient care and nursing practices to determine the estimated costs for this proposed rule.

Licensed hospitals are currently required under 19 CSR 20-20.096 to ensure adequate staffing, it was assumed that most of the cost to meet the requirements specified in this amendment to the existing rule are already being incurred. All licensed hospitals would incur a one time cost for the following:

- Revision of the staffing methodology to include the staffing variables included in the amendment;
- Revision of nursing policies and procedures to meet the requirements of the rule; and
- Education of the nursing staff on the changes caused by the amendment.

The cost for facilities to make the above listed revisions and educate their staff was estimated at \$1,000 per facility. The estimate is based upon weighing the cost of updating a policy for the varying size of hospitals and number of staff employed. Federal and state hospitals not licensed in Missouri would be exempt from this rule.

FISCAL NOTE**PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	19 CSR 30 – 20.096 Nursing Services
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
151	State-licensed hospitals	\$ 151,000
47	Unaccredited hospitals	\$ 23,500
	Total:	\$ 174,500

III. WORKSHEET

Total hospitals	162
State licensed hospitals	151
Unaccredited hospitals	47

Methodology/policy revision/education: 151 hospitals X \$1,000 per hospital = \$151,000

Nursing sensitive indicator review/monitoring creation: 47 unaccredited hospitals X \$500 per hospital = \$23,500

IV. ASSUMPTIONS

Since licensed hospitals are currently required under 19 CSR 20-20.096 to ensure adequate staffing, it was assumed that most of the cost to meet the requirements specified in this amendment to the existing rule are already being incurred. All licensed hospitals would incur a one time cost for the following:

- revision of the staffing methodology to include the staffing variables included in the amendment;
- revision of nursing policies and procedures to meet the requirements of the rule; and
- education of the nursing staff on the changes caused by the amendment.

This would cost private hospitals an estimated average of \$1,000 per facility. In addition, there are 47 hospitals that are not accredited by the Joint Commission. These facilities would be required to create a mechanism to review and monitor three nursing sensitive indicators. Many of the proposed patient and operational outcomes listed in the rule are already collected by hospitals, so the additional cost to these unaccredited facilities would be minimal. The estimated average cost for these facilities would be \$500 per facility. The estimate is based upon weighing the cost of updating a policy for the varying size of hospitals and number of staff employed. Federal and state hospitals not licensed in Missouri would be exempt from this rule.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 30—Division of [Health Standards] Regulation
and Licensure
Chapter 26—Home Health Agencies**

PROPOSED AMENDMENT

19 CSR 30-26.010 Home Health Licensure Rule. The department is amending sections (1) and (2) and updating the forms included in the rule.

PURPOSE: This amendment 1) specifies requirements for training regarding Alzheimer's disease and related dementias for home health employees and independent contractors providing direct patient care, 2) removes exception to requirements for all licensed home health agencies to meet the Medicare Conditions of Participation for Home Health Agencies, 3) requires a licensed home health agency to establish a business location with established business hours, 4) specifies the need for reciprocal agreements with bordering states, 5) denies license renewal if unable to verify compliance through clinical record review and home visits, and 6) amends the waiting period for reapplication following revocation or denial of home health licensure.

(1) State Licensure Requirements.

(A) *In all Missouri licensed home health agencies which only provide physical therapy and/or speech therapy and/or occupational therapy and/or medical social work services and which do not have Medicare certification as a provider, the agency shall—*

1. *Not be required to provide skilled nursing services; and*
2. *Provide the initial evaluation visit be made by a physician, registered nurse, physical therapist or speech therapist.*

(B) *In all Missouri licensed home health agencies which only provide physical therapy and/or speech therapy and/or occupational therapy and/or medical social work services and which do not have Medicare certification as a provider, the professional staff shall—*

1. *Be supervised by a physician, registered nurse, physical therapist or speech therapist;*
2. *Include all client medications and changes in client medications on the plan of care or plan of treatment to be reviewed by the physician; and*
3. *Include all client diet information and changes in client diet information on the plan of care or plan of treatment to be reviewed by the physician.]*

[(C) Except as specifically provided above, this] This rule incorporates by reference 42 CFR 484, *Medicare Conditions of Participation: Home Health Agencies*, for Missouri licensed home health agencies. Missouri licensed home health agencies shall strictly meet the currently applicable *Medicare Conditions of Participation* and surveys performed for state licensure will be conducted per Medicare standards.

(B) Licensed home health agencies shall provide dementia-specific training about Alzheimer's disease and related dementias to their employees and those persons working as independent contractors who provide direct care to or may have daily contact with residents, patients, clients, or consumers with Alzheimer's disease or related dementias.

1. The training required for persons providing direct care shall address the following areas, at a minimum:

- A. **An overview of Alzheimer's disease and related dementias;**
 - B. **Communicating with persons with dementia;**
 - C. **Behavior management;**
 - D. **Promoting independence in activities of daily living;**
- and**

E. Understanding and dealing with family issues.

2. Employees or independent contractors who do not provide direct care for, but may have daily contact with, persons with Alzheimer's disease or related dementias shall receive dementia-specific training that includes, at a minimum:

A. An overview of Alzheimer's disease and related dementias; and

B. Communicating with persons with dementia.

3. Dementia-specific training about Alzheimer's disease and related dementias shall be incorporated into orientation for new employees with direct patient contact and independent contractors with direct patient contact. The training shall be presented by an instructor who is qualified by education, experience, and knowledge in the current standards of practice regarding individuals with Alzheimer's disease and other related dementias. The training shall be provided annually and updated as needed.

(2) State Licensure Management.

(B) Initial Application Procedure for Home Health Agencies.

[1. Upon initial request the Department of Health (DOH) will determine which type of entity the applicant is requesting application for and mail the appropriate licensure application packet.]

[2.]1. The applicant shall provide the [DOH] Department of Health and Senior Services (department) with a completed application for home health license, included herein, copy of registration with secretary of state, a completed State Disclosure of Ownership and Control Interest Statement form, included herein, and sufficient evidence that the home health agency has established appropriate policies and procedures for providing home health services according to sections 197.400 to [197.477] 197.478, RSMo. The licensure fee must accompany the application and is nonrefundable. [An on-site licensure survey will be conducted prior to issuing a license.]

2. The applicant shall establish a business location (not in a private residence) with established business hours.

[A.]3. [An out-of-state] A Medicare-certified home health agency of a bordering state, sharing a reciprocal agreement with Missouri, wishing to [see] serve Missouri residents, must [make an application for licensure to the Department of Health (DOH) and establish a branch office in Missouri. The completed application must be submitted with the license fee. A copy of their home health agency license in their home state, a copy (if Medicare certified) of their history with Medicare which can be supplied as a letter or copy of previous certification survey, notification of home state licensure agency of expansion into Missouri and proof of registration with secretary of state in all applicable states.] complete the application process for initial licensure and establish a business location as described in 19 CSR 30-26.010(2)(B)2. A valid Missouri license must be maintained at all times in order for the home health agency to serve Missouri residents. The area served in Missouri [by a bordering state agency] must be contiguous to the area served by the agency in the bordering state.

(C) Annual Renewal Process.

1. A license shall be renewed annually upon approval of the department when the following conditions have been met:

A. The application for renewal is accompanied by a six hundred dollar (\$600) nonrefundable license fee;

B. The home health agency is in compliance with the requirements established under the provisions of sections 197.400 to [197.477] 197.478, RSMo, as evidenced by a survey inspection by the department. No license shall be renewed unless the department has been able to verify compliance through clinical record review and home visits. In lieu of department survey, such survey as provided in section 197.415.4, RSMo; [and]

C. The application is accompanied by a statement of any changes in the information previously filed with the department

under section 497.410, RSMo, and the effective date for that change from the information previously filed./.; and

D. Proof of registration with secretary of state's office in Missouri.

2. The agency shall submit the Application for Home Health Agency License, **included herein**, and licensure fee prior to the license expiration date. If the license fee is not paid by the expiration date, the department may begin the revocation process.

(E) Inspection Process.

1. The home health agency management shall allow representatives of the *[Department of Health (DOH)] department* to survey the home health agency to determine eligibility for licensing and/or renewal of license. On-site surveys may be unannounced.

[2. A branch office of an out-of-state agency shall be subject to an unannounced on-site licensure survey.]

[3.]2. After completion of each department survey, a written report of the findings with respect to compliance or noncompliance with the provisions of sections 197.400 to *[197.477]* **197.478**, RSMo, and the standards established thereunder, as well as a list of deficiencies found shall be prepared.

A. A copy of the deficiency list shall be sent to the home health agency within fifteen (15) business days following the survey inspection.

B. The agency management or designee shall have ten (10) calendar days following receipt of the written survey report to provide the *[DOH] department* with a written plan for correcting the cited deficiencies.

C. Upon receipt of the required plan of correction for achieving license compliance, the *[DOH] department* shall review the plan to determine the appropriateness of the corrective action and respond to the agency. If the plan is not acceptable, the *[DOH] department* shall notify the management or designee and indicate the reasons why the plan was not acceptable. A revised plan of correction shall be provided to the *[DOH] department*.

D. If an agency does not acknowledge the deficiencies, the agency must, within ten (10) calendar days, request in writing a resurvey by the *[DOH] department*. If, after the resurvey, the home health agency still does not agree with the findings of the department, it may seek a review of the findings of the department by the Administrative Hearing Commission. A copy of the letter requesting the review must be sent to the *[DOH] department*.

E. Upon expiration of the completion date for correction of deficiencies specified in the approved plan of correction, the *[DOH] department* shall determine if the required corrective measures have been acceptably accomplished. The *[DOH] department* shall document that the corrective action has been satisfactorily completed. If the *[DOH] department* finds the home health agency still fails to comply with sections of 197.400 to *[197.477]* **197.478**, RSMo, the *[DOH] department* may rewrite the deficiencies and request another plan of correction or may take action to suspend or revoke the license.

(F) Refusal to Issue/Suspension/Revocation of License. The department shall refuse to issue or shall suspend or shall revoke the license of any home health agency for failure to comply with any provision of sections 197.400 to *[197.477]* **197.478**, RSMo, or with any rule or standard of the department adopted under the provisions of sections 197.400 to *[197.477]* **197.478**, RSMo, or for obtaining the license by means of fraud, misrepresentation, or concealment of material facts.

1. Any home health agency which has been refused a license or which has had its license revoked or suspended by the department may seek a review of the department's action by the Administrative Hearing Commission. A copy of the letter requesting the review must be sent to the *[DOH] department*.

2. The *[Department of Health] department* will not consider application for home health licensure for a period of *[six (6)]* **twelve (12)** months after revocation or denial of the agency's license.

(G) Voluntary Termination.

1. To voluntarily terminate a home health agency license, the agency must submit to the *[DOH] department*, in writing, on agency letterhead the following information:

A. A request for termination of their state license (include license number);

B. State the effective date of termination;

C. State disposition of active caseload; and

D. Location of medical record storage.

2. The agency must enclose the original voided license with the voluntary termination letter.

(H) Complaint Procedure. The *[DOH] department* may accept complaints by phone or in writing.

1. Any person wishing to make a complaint against a home health agency licensed under the provisions of sections 197.400 to *[197.477]* **197.478**, RSMo, may file the complaint in writing with the department setting forth the details and facts supporting the complaints.

2. The *[DOH] department* may also accept complaints regarding a licensed home health agency by phone and may document that the complaint was received.

3. The nature of the complaint will determine if an investigation is appropriate or if referral of the complaint to another agency is needed.

4. An on-site visit may be made by a *[DOH] department* representative and deficiencies may be written.

5. The process for documentation of complaints will be determined by the *[DOH] department*.

6. The agency must comply with paragraph (2)(E)3. in response to deficiencies written as a result of a complaint investigation.



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES
BUREAU OF HOME CARE AND REHABILITATIVE STANDARDS
APPLICATION FOR HOME HEALTH AGENCY LICENSE

In accordance with the requirements of the Missouri Home Health Agency Licensing Law (Chapter 197, RSMo Cumulative Supp. 1983) Regulations and Codes, application is hereby made for a license to conduct and maintain a Home Health Agency (See Missouri Home Health Agency Licensing Law "Definitions", Section 197.400.)

THIS INFORMATION, WITHOUT FURTHER VERIFICATION, WILL BE PROVIDED TO BOTH MEDICARE AND MEDICAID OFFICES AND TO UPDATE THE STATE HOME HEALTH DIRECTORY.

NAME OF AGENCY		TELEPHONE NO.
ADDRESS (STREET, CITY, STATE, ZIP)		COUNTY
HOME HEALTH AGENCY ADMINISTRATOR	SUPERVISORY NURSE	ADMINISTRATOR'S EMAIL ADDRESS

OWNERSHIP AND MANAGEMENT (CHECK ONLY ONE)

GOVERNMENTAL <input type="checkbox"/> COUNTY <input type="checkbox"/> CITY-COUNTY <input type="checkbox"/> CITY <input type="checkbox"/> DISTRICT	NON-GOVERNMENTAL NON-PROFIT <input type="checkbox"/> CORPORATION <input type="checkbox"/> OTHER (EXPLAIN) _____ _____	PROPRIETARY <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION _____	
<input type="checkbox"/> FREESTANDING AGENCY	<input type="checkbox"/> HOSPITAL-BASED AGENCY	<input type="checkbox"/> SNF/ICF BASED AGENCY	<input type="checkbox"/> REHABILITATION FACILITY-BASED AGENCY

CHIEF OFFICER OF GOVERNING BODY

LEGAL NAME OF OPERATING CORPORATION

IF OPERATED BY MANAGEMENT CONSULTANT, NAME OF FIRM

GEOGRAPHIC AREA COVERED BY AGENCY OPERATION

LIST COUNTY(IES).

PROFESSIONAL SERVICES (Indicate ALL services offered by agency)

Place a "1" in the block for each service provided by AGENCY STAFF or by contract with an individual. If services are provided UNDER ARRANGEMENT with another agency, place a "2" in the block.

<input type="checkbox"/> NURSING CARE	<input type="checkbox"/> MEDICAL SOCIAL SERVICES
<input type="checkbox"/> PHYSICAL THERAPY	<input type="checkbox"/> HOME HEALTH AIDE SERVICE
<input type="checkbox"/> OCCUPATIONAL THERAPY	<input type="checkbox"/> OTHER (SPECIFY) _____
<input type="checkbox"/> SPEECH THERAPY	_____

DIRECT PROFESSIONAL SERVICE (Indicate your agency's direct service) (Choose only one)

<input type="checkbox"/> NURSING CARE	<input type="checkbox"/> MEDICAL SOCIAL SERVICES
<input type="checkbox"/> PHYSICAL THERAPY	<input type="checkbox"/> HOME HEALTH AIDE SERVICE
<input type="checkbox"/> OCCUPATIONAL THERAPY	<input type="checkbox"/> OTHER (SPECIFY) _____
<input type="checkbox"/> SPEECH THERAPY	_____

MEDICARE/MEDICAID PARTICIPATION

Is this agency Medicare certified? ☐ Yes ☐ No
 If yes, list Medicare provider number _____
 Is this agency Medicaid certified? ☐ Yes ☐ No
 If yes, list Medicaid provider number _____

Number of Employees on the Agency Staff (Full-Time Equivalents). If service is provided by non-employees enter "BY MANAGEMENT."

A. REGISTERED PROFESSIONAL NURSES	C. QUALIFIED PHYSICAL THERAPISTS	E. QUALIFIED SPEECH PATHOLOGIST OR AUDIOLOGIST	
B. LPN/LICENSED VOCATIONAL NURSES	D. QUALIFIED OCCUPATIONAL THERAPISTS	F. HOME HEALTH AIDES	G. ALL OTHERS

BRANCH LOCATIONS (Identify each approved branch location. All branches must operate under the parent name. Continue on bottom of page if additional room is needed.)		
Address: _____ _____ _____ Telephone No. _____ Supervising Nurse: _____	Address: _____ _____ _____ Telephone No. _____ Supervising Nurse: _____	Address: _____ _____ _____ Telephone No. _____ Supervising Nurse: _____
SUBUNIT LOCATIONS (Identify each subunit location, license number and Medicare provider number.)		
_____ _____ _____ Telephone No. _____ Administrator: _____ Lic. No.: _____ Provider No.: _____	_____ _____ _____ Telephone No. _____ Administrator: _____ Lic. No.: _____ Provider No.: _____	_____ _____ _____ Telephone No. _____ Administrator: _____ Lic. No.: _____ Provider No.: _____
CERTIFICATION		
<p>_____ and _____ <small>PRESIDENT OF BOARD OF TRUSTEES, OWNER OR ONE PARTNER OF PARTNERSHIP</small> <small>HOME HEALTH AGENCY ADMINISTRATOR</small></p> <p>being duly sworn by me on their oath, deposes and says that they have read the foregoing application and that the statements contained therein are correct and true and of their knowledge; and further gives assurance of the ability and intention of the _____ Home Health Agency to comply with the <small>EXACT LEGAL NAME</small></p> <p>regulations promulgated under the Missouri Home Health Agency Licensing Law (Chapter 197, RsMo. Cumulative 1983).</p> <p>It is further certified that the _____ will comply with all recommendations <small>NAME OF AGENCY</small></p> <p>for correction and/or improvements as contained in the most recent Licensing Survey Report prepared by the Department of Health and Senior Services and submitted to said Home Health Agency.</p>		
SIGNATURES		
<small>PRESIDENT OF BOARD OF TRUSTEES, OWNER OR ONE PARTNER OF PARTNERSHIP</small> _____		
<small>HOME HEALTH AGENCY ADMINISTRATOR</small> _____		

MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES

BUREAU OF HOME CARE AND REHABILITATIVE STANDARDS

STATE DISCLOSURE OF OWNERSHIP AND CONTROL INTEREST STATEMENT**I. Identifying Information**

Name of Entity		D/B/A	Provider No.	Telephone No.
Street Address		City, State, County		Zip Code

II. Answer the following questions by checking "Yes" or "No". If any of the questions are answered "Yes", list names and addresses of individuals or corporations under Remarks. Identify each item number to be continued.

A. Are there any individuals or organizations having a direct or indirect ownership or control interest of 5 percent or more in the institution, organizations, or agency that have been convicted of a criminal offense related to the involvement of such persons, or organizations in any of the programs established by Titles XVIII, XIX, or XX? ☐ Yes ☐ No

B. Are there any directors, officers, agents, or managing employees of the institution, agency or organization who have ever been convicted of a criminal offense related to their involvement in such programs established by Titles XVIII, XIX, or XX? ☐ Yes ☐ No

III. (a) List names, addresses for individuals, or the EIN for organizations having direct or indirect ownership or a controlling interest in the entity. List any additional names and addresses under "Remarks". If more than one individual is reported and any of these persons are related to each other, this must be reported under Remarks.

Name	Address	EIN

(b) Type of Entity: ☐ Sole Proprietorship ☐ Partnership ☐ Corporation
☐ Unincorporated Associations ☐ Other (Specify) _____

(c) If the disclosing entity is a corporation, list names, addresses of the Directors, and EINs for corporations under Remarks.

(d) Are any owners of the disclosing entity also owners of other facilities? (Example, sole proprietor, partnership or members of Board of Directors.) If yes, list names, addresses of individuals and provider numbers. ☐ Yes ☐ No

Name	Address	Provider Number

IV. (a) Has there been a change in ownership or control within the last year? ☐ Yes ☐ No
 If yes, give date _____

(b) Do you anticipate any change of ownership or control within the year? ☐ Yes ☐ No
 If yes, give date _____

(c) Do you anticipate filing for bankruptcy within the year? ☐ Yes ☐ No
 If yes, give date _____

V. Is this facility operated by a management company, or leased in whole or part by another organizations? ☐ Yes ☐ No
 If yes, give date of change in operations _____

VI. Has there been a change in Administrator, Director of Nursing or Medical Director within the last year? ☐ Yes ☐ No

VII. (a) Is this facility chain affiliated? (if yes, list name, address of Corporation, and EIN) ☐ Yes ☐ No

Name	EIN#

Address _____

WHOEVER KNOWINGLY AND WILLFULLY MAKES OR CAUSES TO BE MADE A FALSE STATEMENT OR REPRESENTATION OF THIS STATEMENT, MAY BE PROSECUTED UNDER APPLICABLE FEDERAL OR STATE LAWS, IN ADDITION, KNOWINGLY AND WILLFULLY FAILING TO FULLY AND ACCURATELY DISCLOSE THE INFORMATION REQUESTED MAY RESULT IN DENIAL OF A REQUEST TO PARTICIPATE OR WHERE THE ENTITY ALREADY PARTICIPATES, A TERMINATION OF ITS AGREEMENT OR CONTRACT WITH THE STATE AGENCY, OR SECRETARY, AS APPROPRIATE.

Name of Authorized Representative (Typed)	Title
Signature	Date

Remarks

AUTHORITY: section 197.445, RSMo [1997] 2000 and section 660.050, RSMo Supp. 2007. Original rule filed Aug. 17, 1998, effective Jan. 30, 1999. Amended: Filed Oct. 22, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities fifty-seven thousand one hundred twenty-six dollars (\$57,126) in the first year and forty-three thousand five hundred twelve dollars (\$43,512) annually thereafter.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health and Senior Services, Division of Regulation and Licensure, Section of Health Standards & Licensure, Dean Linneman, Section Administrator, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	19 CSR 30 – 26.010 Home Health Licensure Rule
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
2	Licensed Home Health Agencies	\$57,126 initial \$43,512 annually thereafter

III. WORKSHEET Start up cost for home health agency to relocate from private residence to business location would consist of the following:

Start Up Cost include:

2 Computers - \$1153.00
 Computer Supplies - \$63.00
 Equipment/Furniture - \$1046.00
 Clerical Office Supplies - \$751.00
 Permits - \$254.00
 Printing (Business Cards, Letterhead etc.) \$169.00
 Rent & Deposit - \$1900.00
 Software/fees/support - \$1245.00
 Tables, Smoke Alarms, Fire Extinguisher - \$226.00

Monthly Cost include:

Rent, Trash and Water - \$715.00
 Utilities – \$75.00
 Phone and Internet (2 Lines and 1 Fax Line) - \$225.00
 Alarm System - \$125.00
 Copier Lease - \$180.00
 Office Expenses (incidentals, paper products) - \$113.00
 Office Supplies - \$380.00

The start up cost for 1 agency would be $\$6,807.00 \times 2 = \$13,614$

The monthly cost for 1 agency is $\$1,813 \times 12 \text{ months} = \$21,756$

Therefore the annual cost for 2 agencies would be \$43,512

The total cost for 2 agencies to set up their agency in a business location and to operate for 12 months would be \$57,126.00

IV. ASSUMPTIONS

The Department's records indicate two of the one hundred ninety-four licensed home health agencies have business locations in personal residences. The amendment to 19 CSR 30-26.010 Home Health Licensure Rule would require these two home health agencies to establish business locations elsewhere. In addition, this amendment would no longer allow new agencies seeking licensure to operate the business in their private residence.

This proposed rule was developed through recommendations and consultations with the Home Health Advisory Council (created by HB 51 during the 1983 legislative session). This council is made up of one representative of the Department, three Missouri citizens who have no affiliation with any home health agency, and five members who represent home health agencies from each of the following categories:

- (1) Public sponsored home health agency
- (2) Institutional sponsored home health agency
- (3) Voluntary nonprofit home health agency
- (4) Private nonprofit home health agency
- (5) For profit home health agency

In 1999 the bureau established a policy prohibiting the Health Facility Nursing Consultants, (surveyors) to conduct the surveys in a private residence due to safety and liability concerns. Henceforth, this practice doesn't allow surveyors to assure licensure regulations are being met regarding safeguarding of the clinical record against loss or unauthorized use and compliance with patient's rights of confidentiality of their clinical record. This practice also created the need for the surveyor to call ahead to the agency announcing the survey, so as to arrange for a business location to meet to complete the survey. The survey process takes several days including a review of patient's clinical records. According to the State Operations Manual all home health surveys are to be unannounced.

The information used to create this fiscal note came from an agency located in St. Louis that recently became licensed in 2007. The 2 agencies this amendment will affect are currently operating out of their residence in St. Louis and serve the same geographic area.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 70—Lead Abatement and Assessment Licensing,
Training Accreditation**

PROPOSED RULE

19 CSR 30-70.650 Administrative Penalties

PURPOSE: This rule establishes the procedures for issuance and methods for calculation of administrative penalties by the department.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material, which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in the rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Applicability. This rule applies to any licensed lead professional who violates the provisions of 19 CSR 30-70.630 Lead Abatement Work Practice Standards.

(2) Definitions.

(A) Adjustments: Those factors related to a violator or violation, which are not reflected in the gravity-based assessment but which distinguish legitimate differences between separate violations of the same provision.

(B) Compliance: A regulated entity or individual's meeting or conformity with applicable regulations, notifications and licensure requirements, and laws.

(C) Department: Shall refer to the Director of the Missouri Department of Health and Senior Services or a designee of the Director of the Missouri Department of Health and Senior Services.

(D) Enforcement: A formal action taken against the regulated entity or individual for violating applicable regulations, notifications and licensure requirements, and laws. Such actions include, but are not limited to, Notice of Violation (NOV), warning letters, administrative penalties, cease and desist order, and/or licensure restriction, revocation, suspension, and/or denial.

(E) Gravity-based assessment: The degree of seriousness of a violation taking into consideration the risk to public health and/or the environment posed by the violation and considering the extent of deviation from sections 701.300–701.338, RSMo.

(F) Identified offense: A violation meeting the requirements specified in subsection (3)(B) of this rule in which administrative penalties may be assessed by the department.

(G) Lead abatement project: The replacement, encapsulation, enclosure, or removal of a lead-bearing substance on a particular component within a particular location, which will remove or remediate the lead hazard(s) for at least twenty (20) years.

(H) Multiple violation penalty: The sum of individual administrative penalties assessed when two (2) or more violations are included in the same complaint or enforcement action.

(I) Multi-day penalty: The sum of each day's administrative penalties assessed when the same violation has occurred on or continued for two (2) or more consecutive or nonconsecutive days.

(J) Multi-day violation: A violation, which has occurred on or continued for two (2) or more consecutive or nonconsecutive days.

(K) Noncompliance: Deviation from or failure to meet applicable regulations, notifications and licensure requirements, and laws. Noncompliance can range from a single incident to chronic conduct. Noncompliance may result in a negative impact to public health and/or the environment.

(L) Notice of Violation (NOV): The formal written documentation that reflects the deviation from or failure of the lead abatement contractor, supervisor, or worker to meet applicable regulations, notifications and licensure requirements, and laws. A notice of violation shall include the corrective action(s) to be performed to achieve compliance.

(M) Notification: A required package of information submitted to the department by the lead supervisor at least ten (10) days prior to the onset of a lead abatement project. The notification shall include a completed Lead Abatement Project Notification form, as required by the department; full payment of the notification fee prior to starting the lead abatement project; and disclosure of any potential lead hazards to the owners and tenants of a dwelling by the Missouri licensed risk assessor who conducted the initial risk assessment (occupant protection plan). The Lead Abatement Project Notification form, MO 580-2365 (1-05), is incorporated by reference in this rule and is available on the web at www.dhss.mo.gov/ or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570, (573) 751-6111. This rule does not incorporate any subsequent amendments or additions.

(N) Violation: The deviation from or failure of the licensed lead professional to meet applicable regulations, notifications and licensure requirements, and laws which require corrective action(s).

(3) General Provisions.

(A) Pursuant to section 701.317, RSMo, and in addition to any other remedy provided by law, upon determination by the department that any provision of sections 701.300–701.338, RSMo, or a standard, limitation, order, rule, or regulation promulgated pursuant thereto, or a term or condition of any license has been violated, the department may issue an order assessing an administrative penalty upon the violator.

(B) An administrative penalty shall not be imposed until the department has issued a notice of violation pursuant to section 701.311, RSMo, to the violator regarding the same type of violation within the calendar year.

(C) An order assessing an administrative penalty shall state that an administrative penalty is being assessed under section 701.317, RSMo, the manner of collection and rights of appeal.

(D) An order assessing an administrative penalty shall describe the nature of the violation(s), the amount of the administrative penalty being assessed, and the basis of the penalty calculation.

(E) An order assessing an administrative penalty shall be served upon the licensee through the United States Postal Service certified mail, return receipt requested. An order assessing an administrative penalty shall be considered served if the licensee verifies receipt. A refusal to accept an order assessing an administrative penalty, or a rejection of certified mail, constitutes service of the order.

(F) The department may at any time withdraw without prejudice any administrative penalty order.

(4) Calculation of Penalties. The calculation of administrative penalties may include any of the following four (4) factors: gravity-based assessment, multiple violation penalties, multi-day penalties, and adjustments.

(A) Gravity-Based Assessment. The gravity-based assessment is determined by evaluating the potential for harm posed by the violation and the extent to which the violation deviates from the requirements of the law, associated rules, or licenses.

1. Potential for or actual harm. The potential for harm posed by a violation is based on the risk to public health, safety, or the environment, and the degree that the violation undermines the purposes of, or procedures for, implementing the law, associated rules, or licenses.

A. The risk of exposure is dependent on both the likelihood that humans or the environment may be exposed to lead hazards and the degree of potential exposure. Penalties will reflect the probability that the violation either did result in or could have resulted in a

release of lead contamination in the environment, and the harm, which either did or would have happened, if the release had in fact occurred.

(I) Acute.

(a) The violation poses or may pose an immediate or imminent risk to public health and/or the environment; or

(b) Is a violation specified in the Department of Health and Senior Services Lead Abatement Work Practice Standards Enforcement Manual as acute noncompliance. The manual is incorporated by reference in this rule as published January 15, 2009 by the Department of Health and Senior Services and is available on the web at www.dhss.mo.gov/ or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570, (573) 751-6111. This rule does not incorporate any subsequent amendments or additions.

(II) Significant.

(a) The violation poses or may pose a considerable risk to public health and/or the environment;

(b) The violation has or may have a substantial adverse effect on the purposes of or procedures for implementing sections 701.300-701.338, RSMo; or

(c) Is a violation specified in the Department of Health and Senior Services Lead Abatement Work Practice Standards Enforcement Manual as significant noncompliance. The manual is incorporated by reference in this rule as published January 15, 2009 by the Department of Health and Senior Services and is available on the web at www.dhss.mo.gov/ or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570, (573) 751-6111. This rule does not incorporate any subsequent amendments or additions.

B. Violations which may or may not pose a potential threat to public health or the environment, but which have an adverse effect upon the purposes of, or procedures for, implementing the law, associated rules, or licenses, may warrant the assessment of penalties.

(I) Minor.

(a) The violation poses a low or minimal risk to public health and/or the environment;

(b) The violation has or may have an adverse effect on the purposes of or procedures for implementing sections 701.300-701.338, RSMo; or

(c) Is a violation specified in the Department of Health and Senior Services Lead Abatement Work Practice Standards Enforcement Manual as minor noncompliance. The manual is incorporated by reference in this rule as published January 15, 2009 by the Department of Health and Senior Services and is available on the web at www.dhss.mo.gov/ or by contacting the department at PO Box 570, Jefferson City, MO 65102-0570, (573) 751-6111. This rule does not incorporate any subsequent amendments or additions.

2. Extent of deviation. The extent of deviation may range from slight to total disregard of the requirements of the law, associated rules or licenses. The extent of deviation shall be evaluated according to the degree of severity.

3. Gravity-based penalty assessment. Administrative penalties will be assessed based on significance, acuity, and extent of deviation. The penalty range selected may be adapted to the circumstances of a particular violation.

(B) Penalties for Multiple Violations. Penalties for multiple violations may be determined when a violation is independent of or substantially different from any other violation. The department may order a separate administrative penalty for that violation as set forth in this rule.

(C) Penalties for Multi-Day Violations. Penalties for multi-day violations may be determined when the department has concluded that a violation(s) has continued or occurred for more than one (1) day. Each day shall be a separate offense.

(D) Adjustments. The department may adjust the penalty after consideration of the following:

1. Good faith efforts to comply. The department may decrease a penalty amount if the violator has adequately documented good faith efforts taken prior to a compliance inspection and the discovery

of the violation;

2. The amount of control the violator had over the events constituting the violation;

3. The foreseeability of the events constituting the violation;

4. Whether the violator took reasonable precautions against the events constituting the violation; and

5. History of noncompliance.

(E) Payment. Administrative penalties shall be made payable to the Missouri Department of Health and Senior Services in the form of a cashier's check or money order and mailed to the Missouri Department of Health and Senior Services, Attention: Fee Receipts Unit, PO Box 570, Jefferson City, MO 65102. The department may negotiate a delayed payment schedule, installment plan, or penalty reduction with stipulated penalties.

(5) Penalties Assessed.

(A) Acute.

1. Failure to notify the department prior to the onset of a lead abatement project shall result in a fine of two hundred fifty dollars (\$250) imposed against the lead abatement contractor for the first identified offense, five hundred dollars (\$500) for the second identified offense, and thereafter, fines shall be doubled for each identified offense.

2. All other acute violations shall result in an administrative penalty of two hundred fifty dollars (\$250) imposed against the regulated entity or individual for the first identified offense, five hundred dollars (\$500) for the second identified offense, and thereafter, administrative penalties shall be doubled for each identified offense.

(B) Significant. Significant violations shall result in administrative penalties ranging from one hundred dollars (\$100) to two hundred fifty dollars (\$250) imposed against the regulated entity or individual for the first identified offense, two hundred dollars (\$200) to five hundred dollars (\$500) for the second identified offense, and thereafter, administrative penalties shall be doubled for each identified offense.

(C) Minor. Minor violations shall result in administrative penalties ranging from twenty-five dollars (\$25) to one hundred dollars (\$100) imposed against the regulated entity or individual for the first identified offense, fifty dollars (\$50) to two hundred dollars (\$200) for the second identified offense, and thereafter, administrative penalties shall be doubled for each identified offense.

(6) Suspended or Revoked License Penalties. Any lead inspector, risk assessor, lead abatement supervisor, lead abatement worker, project designer, or lead abatement contractor who engages in a lead abatement project while such person's license, issued under section 701.312, RSMo, is under suspension or revocation is guilty of a class D felony.

(7) Other Penalties. Except as otherwise provided, violation of the provisions of sections 701.309, 701.311, and 701.316, RSMo, can be referred by the department for prosecution.

(8) Proceeds From Administrative Penalties. The penalties collected pursuant to section 701.317(7), RSMo, shall be deposited in the "Missouri Lead Abatement Loan Fund" as established in section 701.337, RSMo. Such penalties shall not be considered charitable contributions for tax purposes.

(9) This rule may be used as guidance in assessing civil and criminal penalties.

AUTHORITY: sections 701.311, 701.317, and 701.337, RSMo Supp. 2007. Original rule filed on Oct. 22, 2008.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Glenda R. Miller, Division Director, Missouri Department of Health and Senior Services; Division of Community and Public Health; PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 200—[Financial Examination] Insurance
Solvency and Company Regulation**

Chapter 1—Financial Solvency and Accounting Standards

PROPOSED AMENDMENT

20 CSR 200-1.116 Actuarial Opinion and Memorandum Regulation. The director is amending the purpose and sections (1), (2), (3), (4), (5), (6), and (7).

PURPOSE: The purpose of this amendment is to make the department's rule consistent with the current version of the model actuarial opinion and memorandum regulation of the National Association of Insurance Commissioners.

PURPOSE: This rule prescribes[—]: a) [guidelines and standards] requirements for statements of actuarial opinion which are to be submitted in accordance with sections 376.370[,] and 376.380, RSMo, and 20 CSR 200-1.115 and for memoranda in support thereof; b) [guidelines and standards for statements of actuarial opinion which are to be submitted when a company is exempt from 20 CSR 200-1.115(2)] guidance as to the meaning of "adequacy of reserves"; and c) rules applicable to the appointment of an appointed actuary.

(1) Scope.

[(A)] This rule shall apply to all life insurance companies and fraternal benefit societies doing business in this state and to all life insurance companies and fraternal benefit societies which are authorized to reinsure life insurance, annuities, or accident and health insurance business in this state. **This regulation shall be applied in a manner that allows the appointed actuary to utilize his or her professional judgment in performing the asset analysis and developing the actuarial opinion and supporting memoranda, consistent with relevant actuarial standards of practice. However, the director shall have the authority to specify methods of actuarial analysis and actuarial assumptions when, in the director's judgment, these specifications are necessary for an acceptable opinion to be rendered relative to the adequacy of reserves and related items.** This rule shall be applicable to all annual statements filed with the director after the effective date of this rule. [Except with respect to companies which are exempted pursuant to section (4) of this rule, a] A statement of opinion on the adequacy of the reserves and related actuarial items based on an asset adequacy analysis in accordance with section [(6)] (4) of this rule, and a [supporting] memorandum in support thereof in accordance with section [(7)] (5) of this rule, shall be required each year. [Any company so exempted must file a statement of actuarial opinion pursuant to section (5) of this rule.]

[(B)] Notwithstanding subsection (1)(A), the director may require any company otherwise exempt pursuant to this rule to submit a statement of actuarial opinion and to prepare a supporting memorandum in accordance with sections (6) and (7) of this rule if, in the opinion of the director, an asset

adequacy analysis is necessary with respect to the company.]

(2) Definitions.

(A) "Actuarial opinion" means[—]

[1. With respect to section (6), (7) or (8),] the opinion of an appointed actuary regarding the adequacy of the reserves and related actuarial items based on an asset adequacy [test] analysis in accordance with section [(6)] (4) of this rule and with [presently accepted] applicable Actuarial Standards of Practice.; and]

[2. With respect to section (5), the opinion of an appointed actuary regarding the calculation of reserves and related items, in accordance with section (5) of this rule and with those presently accepted Actuarial Standards which specifically relate to this opinion.]

(B) "Actuarial Standards Board"[—is] means the board established by the American Academy of Actuaries to develop and promulgate standards of actuarial practice.

(C) "Annual statement"[—] means that statement required by sections 375.041 and 376.350, RSMo, to be filed by the company with the director annually.

(D) "Appointed actuary"[—] means an[y] individual who is appointed or retained in accordance with the requirements set forth in subsection (3)(C) of this rule to provide the actuarial opinion and supporting memorandum as required by 20 CSR 200-1.115 and section 376.380, RSMo.

(E) "Asset adequacy analysis"[—] means an analysis that meets the standards and other requirements referred to in subsection (3)(D) of this rule. [It may take many forms, including, but not limited to, cash flow testing, sensitivity testing or applications of risk theory.]

(F) "Company"[—] means a life insurance company, fraternal benefit society, or reinsurer subject to the provisions of this rule.

(G) "Director"[—] means the [insurance director of this state] director of the Missouri Department of Insurance, Financial Institutions and Professional Registration.

[(H)] Noninvestment grade bonds—are those designated as classes 3, 4, 5 or 6 by the National Association of Insurance Commissioners (NAIC) Securities Valuation Office.]

[(I)](H) "Qualified actuary"[—] means an[y] individual who meets the requirements set forth in subsection (3)(B) of this rule.

(3) General Requirements.

(A) Submission of Statement of Actuarial Opinion.

1. There is to be included on or attached to page 1 of the annual statement for each year beginning with the year in which this rule becomes effective the statement of an appointed actuary, entitled "Statement of Actuarial Opinion," setting forth an opinion relating to reserves and related actuarial items held in support of policies and contracts, in accordance with section [(6)] (4) of this rule; provided, however, that any company exempted pursuant to section (4) of this rule from submitting a statement of actuarial opinion in accordance with section (6) of this rule shall include on or attach to page 1 of the annual statement a statement of actuarial opinion rendered by an appointed actuary in accordance with section (5) of this rule.]

[2. If in the previous year a company provided a statement of actuarial opinion in accordance with section (5) of this rule, and in the current year fails the exemption criteria of paragraphs (4)(C)1., 2. or 5. to again provide an actuarial opinion in accordance with section (5), the statement of actuarial opinion in accordance with section (6) shall not be required until August 1 following the date of the annual statement. In this instance, the company shall provide a statement of actuarial opinion in accordance with section (5) with appropriate qualification noting the intent to subsequently provide a statement of actuarial opinion in accordance with section (6).]

3. In the case of a statement of actuarial opinion required to be submitted by a foreign or alien company, the director may accept the statement of actuarial opinion filed by the company with the insurance supervisory regulator of another state if the director determines that the opinion reasonably meets the requirements applicable to a company domiciled in this state.]

[4.]2. Upon written request by the company, the director may grant an extension of the date for submission of the statement of actuarial opinion.

(B) Qualified actuary. A "qualified actuary" is an individual who—

1. Is a member [in good standing] of the American Academy of Actuaries;

2. Is qualified to sign statements of actuarial opinion for life and health insurance company annual statements in accordance with the American Academy of Actuaries qualification standards for actuaries signing those statements;

3. Is familiar with the valuation requirements applicable to life and health insurance companies;

4. Has not been found by the director (or, if so found, has subsequently been reinstated as a qualified actuary), following appropriate notice and hearing to have[—]:

A. Violated any provision of, or any obligation imposed by, the insurance law or other law in the course of his/her dealings as a qualified actuary;

B. Been found guilty of fraudulent or dishonest practices;

C. Demonstrated his/her incompetency, lack of cooperation, or untrustworthiness to act as a qualified actuary;

D. Submitted to the director during the past five (5) years, pursuant to this rule, an actuarial opinion or memorandum that the director rejected because it did not meet the provisions of this rule including standards set by the Actuarial Standards Board; or

E. Resigned or been removed as an actuary within the past five (5) years as a result of acts or omissions indicated in any adverse report on examination or as a result of failure to adhere to generally acceptable actuarial standards; and

5. Has not failed to notify the director of any action taken by any director of [another] any other state similar to that under paragraph (3)(B)4.

(D) Standards for Asset Adequacy Analysis. The asset adequacy analysis required by this rule[—]:

1. Shall conform to the Standards of Practice as promulgated from[—] time-to-time by the Actuarial Standards Board and on any additional standards under this rule, which standards are to form the basis of the statement of actuarial opinion in accordance with [section (6) of] this rule; and

2. Shall be based on methods of analysis as are deemed appropriate for [those] such purposes by the Actuarial Standards Board.

(E) Liabilities to Be Covered.

1. Under authority of 20 CSR 200-1.115 and sections 376.370 and 376.380, RSMo, the statement of actuarial opinion shall apply to all in force business on the statement date, **whether directly issued or assumed**, regardless of when or where issued, for example, reserves of Exhibits 8, 9, and 10, and claim liabilities in Exhibit 11, Part [I] 1 and equivalent items in the separate account statement(s).

2. If the appointed actuary determines as the result of asset adequacy analysis that a reserve should be held in addition to the aggregate reserve held by the company and calculated in accordance with methods set forth in sections 376.370 and 376.380, RSMo, the company shall establish [an] the additional reserve.

[3. For years ending prior to December 31, 1994, the company, in lieu of establishing the full amount of the additional reserve in the annual statement for that year, may set up an additional reserve in an amount not less than the following:

A. December 31, 1992—The additional reserve divided by three (3); and

B. December 31, 1993—Two (2) times the additional reserve divided by three (3).

[4.]3. Additional reserves established under paragraph (3)(E)2. [or 3.] and deemed not necessary in subsequent years may be released. Any amounts released must be disclosed in the actuarial opinion for the applicable year. The release of these reserves would not be deemed an adoption of a lower standard of valuation.

[I(4) Required Opinions.

(A) General. In accordance with 20 CSR 200-1.115 and sections 376.370 and 376.380, RSMo, every company doing business in this state shall annually submit the opinion of an appointed actuary as provided for by this rule. The type of opinion submitted shall be determined by the provisions set forth in this section and shall be in accordance with the applicable provisions in this rule.

(B) Company Categories. For purposes of this rule, companies shall be classified as follows based on the admitted assets as of the end of the calendar year for which the actuarial opinion is applicable:

1. Category A shall consist of those companies whose admitted assets do not exceed twenty (20) million dollars;

2. Category B shall consist of those companies whose admitted assets exceed twenty (20) million dollars but do not exceed one hundred (100) million dollars;

3. Category C shall consist of those companies whose admitted assets exceed one hundred (100) million dollars but do not exceed five hundred (500) million dollars; and

4. Category D shall consist of those companies whose admitted assets exceed five hundred (500) million dollars.

(C) Exemption Eligibility Tests.

1. Any Category A company that, for any year beginning with the year in which this rule becomes effective, meets all of the following criteria shall be eligible for exemption from submission of a statement of actuarial opinion in accordance with section (6) of this rule for the year in which these criteria are met. The ratio in subparagraphs (4)(C)1.A.–C. shall be calculated as follows based on amounts as of the end of the calendar year for which the actuarial opinion is applicable:

A. The ratio of the sum of capital and surplus to the sum of cash and invested assets is at least equal to one-tenth (.10);

B. The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than three-tenths (.30);

C. The ratio of the book value of the noninvestment grade bonds to the sum of capital and surplus is less than one-half (.50); and

D. The examiner team for the NAIC has not designated the company as a first priority company in any of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or a second priority company in each of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or the company has resolved the first or second priority status to the satisfaction of the director of the state of domicile and the director has so notified the chair of the NAIC Life and Health Actuarial Task Force and the NAIC Support and Services Office.

2. Any Category B company that, for any year beginning with the year in which this rule becomes effective, meets all of the following criteria shall be eligible for exemption from submission of a statement of actuarial opinion in accordance with section (6) of this rule for the year in which these criteria are met. The ratios in subparagraphs (4)(C)2.A.–C.

shall be calculated as follows based on amounts as of the end of the calendar year for which the actuarial opinion is applicable:

A. The ratio of sum of capital and surplus to the sum of cash and invested assets is at least equal to seven-hundredths (.07);

B. The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than four-tenths (.40);

C. The ratio of the book value of the noninvestment grade bonds to the sum of capital and surplus is less than one-half (.50); and

D. The examiner team for the NAIC has not designated the company as a first priority company in any of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or a second priority company in each of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or the company has resolved the first or second priority status to the satisfaction of the director of the state of domicile and the director has so notified the chair of the NAIC Life and Health Actuarial Task Force and the NAIC Support and Services Office.

3. Any Category A or Category B company that meets all of the criteria set forth in paragraph (4)(C)1. or 2., whichever is applicable, is exempted from submission of a statement of actuarial opinion in accordance with section (6) of this rule unless the director specifically indicates to the company that the exemption is not to be taken.

4. Any Category A or Category B company that, for any year beginning with the year in which this rule becomes effective, is not exempted under paragraph (4)(C)3. shall be required to submit a statement of actuarial opinion in accordance with section (6) of this rule for the year for which it is not exempt.

5. Any Category C company that, after submitting an opinion in accordance with section (6) of this rule, meets all of the following criteria shall not be required, unless required in accordance with paragraph (4)(C)6. to submit a statement of actuarial opinion in accordance with section (6) of this rule more frequently than every third year. Any Category C company which fails to meet all of the following criteria for any year shall submit a statement of actuarial opinion in accordance with section (6) of this rule for that year. The ratios in (4)(C)5.A.-C. shall be calculated as follows based on amounts as of the end of the calendar year for which the actuarial opinion is applicable:

A. The ratio of the sum of capital and surplus to the sum of cash and invested assets is at least equal to five-hundredths (.05);

B. The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than one-half (.50);

C. The ratio of the book value of the noninvestment grade bonds to the sum of the capital and surplus is less than one-half (.50); and

D. The examiner team for the NAIC has not designated the company as a first priority company in any of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or a second priority company in each of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or the company has resolved the first or second priority status to the satisfaction of the director of the state of domicile and the director has so notified the chair of the NAIC Life and Health Actuarial Task Force and the NAIC Support and Services Office.

6. Any company which is not required by this section to submit a statement of actuarial opinion in accordance with section (6) of this rule for any year shall submit a statement of actuarial opinion in accordance with section (5) of this rule for that year unless as provided for by subsection (1)(B) of this rule the director requires a statement of actuarial opinion in accordance with section (6) of this rule.

(D) Large Companies. Every Category D company shall submit a statement of actuarial opinion in accordance with section (6) of this rule for each year beginning with the year in which this rule becomes effective.

(5) Statement of Actuarial Opinion Not Including an Asset Adequacy Analysis.

(A) General Description. The statement of actuarial opinion required by this section shall consist of a paragraph identifying the appointed actuary and his/her qualifications; a regulatory authority paragraph stating that the company is exempt pursuant to this rule from submitting a statement of actuarial opinion based on an asset adequacy analysis and that the opinion, which is not based on an asset adequacy analysis, is rendered in accordance with section (5) of this rule; a scope paragraph identifying the subjects on which the opinion is to be expressed and describing the scope of the appointed actuary's work; and an opinion paragraph expressing the appointed actuary's opinion as required by 20 CSR 200-1.115 and sections 376.370 and 376.380, RSMo.

(B) Recommended Language. The following language provided is that which in typical circumstances would be included in a statement of actuarial opinion in accordance with this section. The language may be modified as needed to meet the circumstances of a particular case, but the appointed actuary should use language which clearly expresses his/her professional judgment. However, in any event the opinion shall retain all pertinent aspects of the language provided in section (5):

1. The opening paragraph should indicate the appointed actuary's relationship to the company. For a company actuary, the opening paragraph of the actuarial opinion should read as follows: "I, (name of actuary), am (title) of (name of company) and a member of the American Academy of Actuaries. I was appointed by, or by the authority of, the board of directors of this insurer to render this opinion as stated in the letter to the director dated (insert date). I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and health companies." For a consulting actuary, the opening paragraph of the actuarial opinion should contain a sentence such as: "I, (name and title of actuary), a member of the American Academy of Actuaries, am associated with the firm of (insert name of consulting firm). I have been appointed by, or by the authority of, the board of directors of (name of company) to render this opinion as stated in the letter to the director dated (insert date). I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and health insurance companies.";

2. The regulatory authority paragraph should include a statement such as the following: "This company is exempt pursuant to regulation (insert designation) of the (name of state) insurance department from submitting a statement of actuarial opinion based on an asset adequacy analysis. This opinion, which is not based on an asset adequacy analysis, is rendered in accordance with section (5) of the regulation.";

3. The scope paragraph should contain a sentence such as the following: "I have examined the actuarial assumptions and actuarial methods used in determining reserves and

related actuarial items listed here, as shown in the annual statement of the company, as prepared for filing with state regulatory officials, as of December 31, (. . .)." The paragraph should list items and amounts with respect to which the appointed actuary is expressing an opinion. The list should include, but not be necessarily limited to:

A. Aggregate reserve and deposit funds for policies and contracts included in Exhibit 8;

B. Aggregate reserve and deposit funds for policies and contracts included in Exhibit 9;

C. Deposit funds, premiums, dividend and coupon accumulations, and supplementary contracts not involving life contingencies included in Exhibit 10; and

D. Policy and contract claims-liability end of current year included in Exhibit 11, Part I;

4. If the appointed actuary has examined the underlying records, the scope paragraph should also include the following: "My examination included a review of the actuarial assumptions and actuarial methods and of the underlying basic records and tests of the actuarial calculations as I considered necessary.";

5. If the appointed actuary has not examined the underlying records, but has relied upon listings and summaries of policies in force prepared by the company or a third party, the scope paragraph should include a sentence such as one of the following:

A. "I have relied upon listings and summaries of policies and contracts and other liabilities in force prepared by (name and title of company officer certifying in-force records) as certified in the attached statement. (See accompanying affidavit by a company officer.) In other respects my examination included review of the actuarial assumptions and actuarial methods and tests of the actuarial calculations as I considered necessary"; or

B. "I have relied upon (name of accounting firm) for the substantial accuracy of the in-force records inventory and information concerning other liabilities, as certified in the attached statement. In other respects my examination included review of the actuarial assumptions and actuarial methods and tests of the actuarial calculations as I considered necessary." The statement of the person certifying shall follow the form indicated by paragraph (5)(B)10.;

6. The opinion paragraph should include the following: "In my opinion the amounts carried in the balance sheet on account of the actuarial items identified here:

A. "Are computed in accordance with presently accepted actuarial standards consistently applied and are fairly stated in accordance with sound actuarial principles;

B. "Are based on actuarial assumptions which produce reserves at least as great as those called for in any contract provision as to reserve basis and method, and are in accordance with all other contract provisions;

C. "Meet the requirements of the insurance law and regulations of the state of (state of domicile) and are at least as great as the minimum aggregate amounts required by the state in which this statement is filed;

D. "Are computed on the basis of assumptions consistent with those used in computing the corresponding items in the annual statement of the preceding year-end with an exception as noted here; and

E. "Include provision for all actuarial reserves and related statement items which ought to be established. The actuarial methods, considerations and analyses used informing my opinion conform to the appropriate Compliance Guidelines as promulgated by the Actuarial Standards Board, which guidelines form the basis of this statement of opinion.";

7. The concluding paragraph should document the eligibility for the company to provide an opinion as provided by section (5). It shall include the following: "This opinion is provided in accordance with section (5). As such it does not include an opinion regarding the adequacy of reserves and related actuarial items when considered in light of the assets which support them. Eligibility for section (5) is confirmed as follows:

A. "The ratio of the sum of capital and surplus to the sum of cash and invested assets is (insert amount), which equals or exceeds the applicable criterion based on the admitted assets of the company;

B. "The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is (insert amount), which is less than the applicable criterion based on the admitted assets of the company;

C. "The ratio of the book value of the noninvestment grade bonds to the sum of capital and surplus is (insert amount), which is less than the applicable criterion of one-half (.50);

D. "To my knowledge, the NAIC examiner team has not designated the company as a first priority company in any of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or a second priority company in each of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable or the company has resolved the first or second priority status to the satisfaction of the insurance supervisory regulatory official of the state of domicile.; and

E. "To my knowledge there is not a specific request from any director requiring an asset adequacy analysis opinion."

(Signature of Appointed Actuary)

(Address of Appointed Actuary)

(Telephone Number of Appointed Actuary)

8. If there has been any change in the actuarial assumptions from those previously employed, that change should be described in the annual statement or in a paragraph of the statement of actuarial opinion, and the reference in subparagraph (5)(B)6.D. to be consistent should read as follows: ". . . with the exception of the change described on Page (..) of the annual statement (or in the preceding paragraph)." The adoption for new issues or new claims or other new liabilities of an actuarial assumption which differs from a corresponding assumption used for prior new issues or new claims or other new liabilities is not a change in actuarial assumptions within the meaning of this paragraph;

9. If the appointed actuary is unable to form an opinion, s/he shall refuse to issue a statement of actuarial opinion. If the appointed actuary's opinion is adverse or qualified, s/he shall issue an adverse or qualified actuarial opinion explicitly stating the reason(s) for this opinion. This statement should follow the scope paragraph and precede the opinion paragraph; and

10. If the appointed actuary does not express an opinion as to the accuracy and completeness of the listings and summaries of policies in force, there should be attached to the opinion, the statement of a company officer or accounting firm who prepared the underlying data similar to the following: "I (name of officer), (title) of (name and address of company or accounting firm), affirm that the listings and

summaries of policies and contracts in force as of December 31, (____), prepared for and submitted to (name of appointed actuary), were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete."

(Signature of the Officer of the Company or Accounting Firm)

(Address of the Officer of the Company or Accounting Firm)

(Telephone Number of the Officer of the Company or Accounting Firm)

[(6)](4) Statement of Actuarial Opinion Based On an Asset Adequacy Analysis.

(A) General Description. The statement of actuarial opinion submitted in accordance with this section shall consist of [—]:

1. A paragraph identifying the appointed actuary and his/her qualifications (see paragraph **[(6)](4)(B)1.**);

2. A scope paragraph identifying the subjects on which an opinion is to be expressed and describing the scope of the appointed actuary's work, including a tabulation delineating the reserves and related actuarial items which have been analyzed for asset adequacy and the method of analysis, (see paragraph **[(6)](4)(B)2.**) and identifying the reserves and related actuarial items covered by the opinion which have not been so analyzed;

3. A reliance paragraph describing those areas, if any, where the appointed actuary has deferred to other experts in developing data, procedures, or assumptions (for example, anticipated cash flows from currently owned assets, including variation in cash flows according to economic scenarios (see paragraph **[(6)](4)(B)3.**) supported by a statement of each expert in the form prescribed by subsection **[(6)](4)(E)**;

4. An opinion paragraph expressing the appointed actuary's opinion with respect to the adequacy of the supporting assets to mature the liabilities (see paragraph **[(6)](4)(B)6.**); and

5. One (1) or more additional paragraphs will be needed in individual company cases as follows:

A. If the appointed actuary considers it necessary to state a qualification of his/her opinion;

[B. If the appointed actuary must disclose the method of aggregation for reserves of different products or lines of business for asset adequacy analysis;

C. If the appointed actuary must disclose reliance upon any portion of the assets supporting the Interest Maintenance Reserve (IMR) and the Asset Valuation Reserve (AVR) or other mandatory or voluntary statement reserves for asset adequacy analysis;]

[D./B. If the appointed actuary must disclose an inconsistency in the method of analysis or basis of asset allocation used at the prior opinion date with that used for this opinion;

[E/C. If the appointed actuary must disclose whether additional reserves of the prior opinion date are released as of this opinion date and the extent of the release; and

[F/D. If the appointed actuary chooses to add a paragraph briefly describing the assumptions which form the basis for the actuarial opinion.

(B) Recommended Language. The following paragraphs are to be included in the statement of actuarial opinion in accordance with this section. Language is that which in typical circumstances should be included in a statement of actuarial opinion. The language may be modified as needed to meet the circumstances of a particular case, but the appointed actuary should use language which clearly expresses his/her professional judgment. However, in any event the opinion

shall retain all pertinent aspects of the language provided in this section[:].

1. The opening paragraph should generally indicate the appointed actuary's relationship to the company and his/her qualifications to sign the opinion. For a company actuary, the opening paragraph of the actuarial opinion should *[read as follows]* **include a statement such as:** "I, (name), am (title) of (insurance company name) and a member of the American Academy of Actuaries. I was appointed by, or by the authority of, the board of directors of *[this]* said insurer to render this opinion as stated in the letter to the director dated (insert date). I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and health insurance companies." For a consulting actuary, the opening paragraph should contain a *[sentence]* **statement** such as: "I, (name), a member of the American Academy of Actuaries, am associated with the firm of (name of consulting firm). I have been appointed by, or by the authority of, the board of directors of (name of company) to render this opinion as stated in the letter to the director dated (insert date)[:,]. I meet the Academy qualification standards for rendering this opinion and am familiar with the valuation requirements, relating to life and health companies."[:];

2. The scope paragraph should include a statement such as *[the following]*: "I have examined the actuarial assumptions and actuarial methods used in determining reserves and related actuarial items listed *[here]* below, as shown in the annual statement of the company, as prepared for filing with state regulatory officials, as of December 31, *[19(____)] 20(____)*. Tabulated as follows are those reserves and related actuarial items which have been subjected to asset adequacy analysis."[:]

**Reserves And Liabilities
Asset Adequacy Tested Amounts**

Statement Item	Formula Reserves (1)	Additional Actuarial Reserves (a) (2)	Analysis Method (b)	Other Amount (3)	Total Amount (1)+(2)+(3) (4)
Exhibit 8					
A Life Insurance					
B Annuities					
C Supplementary Contracts Involving Life Contingencies					
D Accidental Death Benefit					
E Disability—Active					
F Disability—Disabled					
G Miscellaneous					
Total (Exhibit 8 Item 1, Page 3)	_____	_____		_____	_____
Exhibit 9					
A Active Life Reserve					
B Claim Reserve					
Total (Exhibit 9 Item 2, Page 3)	_____	_____		_____	_____
Exhibit 10					
1 Premiums and Other Deposit Funds					
1.1 Policyholder Premiums (Page 3, Line 10.1)					
1.2 Guaranteed Interest Contracts (Page 3, Line 10.2)					
1.3 Other Contract Deposit Funds (Page 3, Line 10.3)					
2 Supplementary Contracts Not Involving Life Contingencies (Page 3, Line 3)					
3 Dividend and Coupon Accumulations (Page 3, Line 5)					
Total Exhibit 10	_____	_____		_____	_____
Exhibit 11 Part 1					
1 Life (Page 3, Line 4.1)					
2 Health (Page 3, Line 4.2)					
Total Exhibit 11, Part 1	_____	_____		_____	_____
Separate Accounts (Page 3, Line 27)	_____	_____		_____	_____
TOTAL RESERVES	_____	_____		_____	_____
IMR (Page _____ Line _____)	_____	_____		_____	_____
AVR (Page _____ Line _____)	_____	_____ (c)			

(a) *[*Note:]* The additional actuarial reserves are the reserves established under paragraph/s/ (3)(E)2. *[or 3.]*

(b) *[*Note:]* The appointed actuary should indicate the method of analysis, determined in accordance with the standards for asset adequacy analysis referred to in subsection (3)(D) of this regulation, by means of symbols which should be defined in footnotes to the table.*["]*

(c) **Allocated amount of Asset Valuation Reserve (AVR).**

3. If the appointed actuary has relied on other experts to develop certain portions of the analysis, the reliance paragraph should include a statement such as *[the following]*:

[A.] "I have relied on (name), (title) for (for example, anticipated cash flows from currently owned assets, including variations in cash flows according to economic scenarios) and, as certified in the attached statement, [. . .] I have reviewed the information relied upon for reasonableness." ; or

[B. "I have relied on personnel as cited in the supporting memorandum for certain critical aspects of the analysis in reference to the accompanying statement." This] A statement of reliance on other experts should be accompanied by a statement by each of these experts [of] in the form prescribed by subsection [(6)](4)(E);.

4. If the appointed actuary has examined the underlying asset and liability records, the reliance paragraph should *[also]* include *[the following]* a statement such as: "My examination included a review of the actuarial assumptions and actuarial methods and of the underlying basic asset and liability records and tests of the actuarial calculations as I considered necessary. **I also reconciled the underlying basic asset and liability records to (exhibits and schedules listed as applicable) of the company's current annual statement.**" ;/

5. If the appointed actuary has not examined the underlying records, but has relied upon **data** (e.g., listings and summaries of policies in force or asset records), prepared by the company *[or a third party, or a combination of these]*, the reliance paragraph should include a sentence such as: "**In forming my opinion on (specify types of reserves), I [have] relied upon [listings and summaries (of policies and contracts, of asset records)] data prepared by (name and title of company officer certifying in-force records or other data) as certified in the attached statements. I also reconciled that data to (exhibits and schedules to be listed as applicable) of the company's current annual statement.** In other respects, my examination included *[a]* review of the actuarial assumptions and actuarial methods and tests of the *[actuarial]* calculations *[as]* I considered necessary." *[or "I have relied upon (name of accounting firm) for the substantial accuracy of the in-force records inventory and information concerning other liabilities, as certified in the attached statement. In other respects my examination included review of the actuarial assumptions and actuarial methods and tests of the actuarial calculations as I considered necessary."*] This section *[must]* shall be accompanied by a statement by each person relied upon *[of]* in the form prescribed by subsection [(6)](4)(E); and/.

6. The opinion paragraph should include *[the following]* a statement such as: "In my opinion the reserves and related actuarial values concerning the statement items identified *[here]* above:

A. "Are computed in accordance with presently accepted actuarial standards consistently applied and are fairly stated, in accordance with sound actuarial principles;

B. "Are based on actuarial assumptions which produce reserves at least as great as those called for in any contract provision as to reserve basis and method, and are in accordance with all other contract provisions;

C. "Meet the requirements of the insurance law and regulation of the state of (state of domicile) and are at least as great as the minimum aggregate amounts required by the state in which this statement is filed;

D. "Are computed on the basis of assumptions consistent with those used in computing the corresponding items in the annual statement of the preceding year-end (with any exceptions noted here);

E. "Include provision for all actuarial reserves and related statement items which ought to be established. (i) The reserves and related items, when considered in light of the assets held by the company with respect to *[these]* such reserves and related actuarial items including, but not limited to, the investment earnings on *[these]* the assets, and the considerations anticipated to be received

and retained under the policies and contracts, make adequate provision, according to presently accepted actuarial standards of practice, for the anticipated cash flows required by the contractual obligations and related expenses of the company. **(At the discretion of the director, this language may be omitted for an opinion filed on behalf of a company doing business only in this state and in no other state.)** (ii) The actuarial methods, considerations, and analyses used in forming my opinion conform to the appropriate Standards of Practice as promulgated by the Actuarial Standards Board, which standards form the basis of this statement of opinion. (iii) "This opinion is updated annually as required by statute. To the best of my knowledge, there have been no material changes from the applicable date of the annual statement to the date of the rendering of this opinion which should be considered in reviewing this opinion."; or (iv) "The following material change(s) which occurred between the date of the statement for which this opinion is applicable and the date of this opinion should be considered in reviewing this opinion: (Describe the change(s).)" (Note: Choose one of the preceding two (2) paragraphs, whichever is applicable.) "The impact of unanticipated events subsequent to the date of this opinion is beyond the scope of this opinion. The analysis of asset adequacy portion of this opinion should be viewed recognizing that the company's future experience may not follow all the assumptions used in the analysis."

(Signature of Appointed Actuary)

(Address of Appointed Actuary)

(Telephone Number of Appointed Actuary)

(Date)

(C) Assumptions for New Issues. The adoption for new issues or new claims or other new liabilities of an actuarial assumption which differs from a corresponding assumption used for prior new issues or new claims or other new liabilities is not a change in actuarial assumptions within the meaning of this section.

(D) Adverse Opinions. If the appointed actuary is unable to form an opinion, then s/he shall refuse to issue a statement of actuarial opinion. If the appointed actuary's opinion is adverse or qualified, then s/he shall issue an adverse or qualified actuarial opinion explicitly stating the reason(s) for that opinion. This statement should follow the scope paragraph and precede the opinion paragraph.

(E) Reliance on **[Data] Information** Furnished by Other Persons. If the appointed actuary *[does not express an opinion as to the accuracy and completeness of the listings and summaries of policies in force or asset oriented information, or both, there shall be attached to the opinion the statement of a company officer or accounting firm who prepared the underlying data similar to the following: "I (name of officer), (title), of (name of company or accounting firm), affirm that the listings and summaries of policies and contracts in force as of December 31, (___), and other liabilities prepared for and submitted to (name of appointed actuary) were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete."*

(Signature of the Officer of the Company or Accounting Firm)

(Address of the Officer of the Company or Accounting Firm)

*(Telephone Number of the Officer of the Company or
Accounting Firm)*

Or “I, (name of officer), (title) of (name of company, accounting firm or security analyst), affirm that the listings, summaries and analyses relating to data prepared for and submitted to (name of appointed actuary) in support of the asset-oriented aspects of the opinion were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete.”

*(Signature of the Officer of the Company, Accounting
Firm or the Security Analyst)*

*(Address of the Officer of the Company, Accounting
Firm or the Security Analyst)*

*(Telephone Number of the Officer of the Company,
Accounting Firm or the Security Analyst, or both)*

relies on the certification of others on matters concerning the accuracy or completeness of any data underlying the actuarial opinion, or the appropriateness of any other information used by the appointed actuary in forming the actuarial opinion, the actuarial opinion should so indicate the persons the actuary is relying upon and a precise identification of the items subject to reliance. In addition, the persons on whom the appointed actuary relies shall provide a certification that precisely identifies the items on which the person is providing information and a statement as to the accuracy, completeness, or reasonableness, as applicable, of the items. This certification shall include the signature, title, company, address, and telephone number of the person rendering the certification, as well as the date on which it is signed.

(F) Alternate Option.

1. Section 376.380.4(4)(d), RSMo 2000, gives the director broad authority to accept the valuation of a foreign insurer when that valuation meets the requirements applicable to a company domiciled in this state in the aggregate. As an alternative to the requirements of subparagraph (4)(B)6.C., the director may make one (1) or more of the following additional approaches available to the opining actuary:

A. A statement that the reserves “meet the requirements of the insurance laws and regulations of the state of (state of domicile) and the formal written standards and conditions of this state for filing an opinion based on the law of the state of domicile.” If the director chooses to allow this alternative, a formal written list of standards and conditions shall be made available. If a company chooses to use this alternative, the standards and conditions in effect on July 1 of a calendar year shall apply to statements for that calendar year, and they shall remain in effect until they are revised or revoked. If no list is available, this alternative is not available;

B. A statement that the reserves “meet the requirements of the insurance laws and regulations of the state of (state of domicile) and I have verified that the company’s request to file an opinion based on the law of the state of domicile has been approved and that any conditions required by the director for approval of that request have been met.” If the director chooses to allow this alternative, a formal written statement of such allowance shall be issued no later than March 31 of the year it is first effective. It shall remain valid until rescinded or modified by the director. The rescission or modifications shall be issued no later than March 31 of the year they are first effective.

Subsequent to that statement being issued, if a company chooses to use this alternative, the company shall file a request to do so, along with justification for its use, no later than April 30 of the year of the opinion to be filed. The request shall be deemed approved on October 1 of that year if the director has not denied the request by that date; and/or

C. A statement that the reserves “meet the requirements of the insurance laws and regulations of the state of (state of domicile) and I have submitted the required comparison as specified by this state.”

(I) If the director chooses to allow this alternative, a formal written list of products (to be added to the table in Part (II) below) for which the required comparison shall be provided will be published. If a company chooses to use this alternative, the list in effect on July 1 of a calendar year shall apply to statements for that calendar year, and it shall remain in effect until it is revised or revoked. If no list is available, this alternative is not available.

(II) If a company desires to use this alternative, the appointed actuary shall provide a comparison of the gross nationwide reserves held to the gross nationwide reserves that would be held under National Association of Insurance Commissioners (NAIC) codification standards. Gross nationwide reserves are the total reserves calculated for the total company in force business directly sold and assumed, indifferent to the state in which the risk resides, without reduction for reinsurance ceded. The information provided shall be at least:

(1) Product Type	(2) Death Benefit or Account Value	(3) Reserves Held	(4) Codification Reserves	(5) Codification Standard
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(III) The information listed shall include all products identified by either the state of filing or any other states subscribing to this alternative.

(IV) If there is no codification standard for the type of product or risk in force or if the codification standard does not directly address the type of product or risk in force, the appointed actuary shall provide detailed disclosure of the specific method and assumptions used in determining the reserves held.

(V) The comparison provided by the company is to be kept confidential to the same extent and under the same conditions as the actuarial memorandum.

2. Notwithstanding the above, the director may reject an opinion based on the laws and regulations of the state of domicile and require an opinion based on the laws of this state. If a company is unable to provide the opinion within sixty (60) days of the request or such other period of time determined by the director after consultation with the company, the director may contract with an independent actuary at the company's expense to prepare and file the opinion.

[(7)](5) Description of Actuarial Memorandum Including an Asset Adequacy Analysis and Regulator Asset Adequacy Issues Summary.

(A) General.

1. In accordance with 20 CSR 200-1.115 and sections 376.370 and 376.380, RSMo, the appointed actuary shall prepare a memorandum to the company describing the analysis done in support of his/her opinion regarding the reserves *[under a section (6) opinion]*. The memorandum shall be made available for examination by the director upon his/her request but shall be returned to the company after *[the]* such examination and shall not be considered a record of the insurance department or subject to automatic filing with the director.

2. In preparing the memorandum, the appointed actuary may rely on, and include as a part of his/her own memorandum, memoranda prepared and signed by other actuaries who are qualified within the meaning of subsection (3)(B) of this rule, with respect to the areas covered in *[those]* such memoranda, and so state in *[the]* their memoranda.

3. If the director requests a memorandum and no memorandum exists or if the director finds that the analysis described in the memorandum fails to meet the standards of the Actuarial Standards Board or the standards and requirements of this rule, the director may designate a qualified actuary to review the opinion and prepare the supporting memorandum as is required for review. The reasonable and necessary expense of the independent review shall be paid by the company but shall be directed and controlled by the director.

4. The reviewing actuary shall have the same status as an examiner for purposes of obtaining data from the company and the work papers and documentation of the reviewing actuary shall be retained by the director; provided, however, that any information provided by the company to the reviewing actuary and included in the work papers shall be considered as material provided by the company to the director and shall be kept confidential to the same extent as is prescribed by law with respect to other material provided by the company to the director pursuant to the statute governing this rule. The

reviewing actuary shall not be an employee of a consulting firm involved with the preparation of any prior memorandum or opinion for the insurer pursuant to this rule for any one (1) of the current year or the preceding three (3) years.

5. In accordance with 20 CSR 200-1.115 and section 376.380, RSMo, the appointed actuary shall prepare a regulatory asset adequacy issues summary, the contents of which are specified in subsection (5)(C). The regulatory asset adequacy issues summary will be submitted no later than March 15 of the year following the year for which a statement of actuarial opinion based on asset adequacy is required. The regulatory asset adequacy issues summary is to be kept confidential to the same extent and under the same conditions as the actuarial memorandum.

(B) Details of the Memorandum Section Documenting Asset Adequacy Analysis *[(section (6))]*. When an actuarial opinion *[under section (6)]* is provided, the memorandum shall demonstrate that the analysis has been done in accordance with the standards for asset adequacy referred to in subsection (3)(D) of this rule and any additional standards under this rule. It shall specify—

1. For reserves—

A. Product descriptions including market description, underwriting, and other aspects of a risk profile and the specific risks the appointed actuary deems significant;

B. Source of liability in force;

C. Reserve method and basis;

D. Investment reserves; *[and]*

E. Reinsurance arrangements;

F. Identification of any explicit or implied guarantees made by the general account in support of benefits provided through a separate account or under a separate account policy or contract and the methods used by the appointed actuary to provide for the guarantees in the asset adequacy analysis; and

G. Documentation of assumptions to test reserves for the following:

(I) Lapse rates (both base and excess);

(II) Interest crediting rate strategy;

(III) Mortality;

(IV) Policyholder dividend strategy;

(V) Competitor or market interest rate;

(VI) Annuitization rates;

(VII) Commissions and expenses; and

(VIII) Morbidity;

2. For assets—

A. Portfolio descriptions, including a risk profile disclosing the quality, distribution, and types of assets;

B. Investment and disinvestment assumptions;

C. Source of asset data; *[and]*

D. Asset valuation bases; and

E. Documentation of assumptions made for:

(I) Default costs;

(II) Bond call function;

(III) Mortgage prepayment function;

(IV) Determining market value for assets sold due to disinvestment strategy; and

(V) Determining yield on assets acquired through the investment strategy. The documentation of the assumptions shall be such that an actuary reviewing the actuarial memorandum could form a conclusion as to the reasonableness of the assumptions;

3. For the [A]/analysis basis—

A. Methodology;

B. Rationale for inclusion/exclusion of different blocks of business and how pertinent risks were analyzed;

C. Rationale for degree of rigor in analyzing different blocks of business (include in the rationale the level of materiality that was used in determining how rigorously to analyze different blocks of business);

D. Criteria for determining asset adequacy (include in the criteria the precise basis for determining if assets are adequate to cover reserves under moderately adverse conditions or other conditions as specified in relevant actuarial standards of practice); and

E. [Effect] Whether the impact of federal income taxes was considered, and the method of treating reinsurance [and other relevant factors] in the asset adequacy analysis;

4. Summary of material changes in methods, procedures, or assumptions from prior year's asset adequacy analysis;

[4.]/5. Summary of results; and

[5.]/6. Conclusion(s).

(C) Details of the Regulatory Asset Adequacy Issues Summary.

1. The regulatory asset adequacy issues summary shall include:

A. Descriptions of the scenarios tested (including whether those scenarios are stochastic or deterministic) and the sensitivity testing done relative to those scenarios. If negative ending surplus results under certain tests in the aggregate, the actuary should describe those tests and the amount of additional reserve as of the valuation date which, if held, would eliminate the negative aggregate surplus values. Ending surplus values shall be determined by either extending the projection period until the in force and associated assets and liabilities at the end of the projection period are immaterial or by adjusting the surplus amount at the end of the projection period by an amount that appropriately estimates the value that can reasonably be expected to arise from the assets and liabilities remaining in force;

B. The extent to which the appointed actuary uses assumptions in the asset adequacy analysis that are materially different than the assumptions used in the previous asset adequacy analysis;

C. The amount of reserves and the identity of the product lines that had been subjected to asset adequacy analysis in the prior opinion but were not subject to analysis for the current opinion;

D. Comments on any interim results that may be of significant concern to the appointed actuary;

E. The methods used by the actuary to recognize the impact of reinsurance on the company's cash flows, including both assets and liabilities, under each of the scenarios tested; and

F. Whether the actuary has been satisfied that all options whether explicit or embedded, in any asset or liability (including, but not limited to, those affecting cash flows embedded in fixed income securities) and equity-like features in any investments have been appropriately considered in the asset adequacy analysis.

2. The regulatory asset adequacy issues summary shall contain the name of the company for which the regulatory asset adequacy issues summary is being supplied and shall be signed and dated by the appointed actuary rendering the actuarial opinion.

[(C)]/(D) Conformity to Standards of Practice. The memorandum shall include a statement: "Actuarial methods, considerations and analyses used in the preparation of this memorandum conform to the appropriate Standards of Practice as promulgated by the Actuarial

Standards Board, which standards form the basis for this memorandum."

[(8) Additional Considerations for Analysis.

(A) Aggregation. For the asset adequacy analysis for the statement of actuarial opinion provided in accordance with section (6) of this rule, reserves and assets may be aggregated by either of the following methods:

1. Aggregate the reserves and related actuarial items, and the supporting assets, for different products or lines of business, before analyzing the adequacy of the combined assets to mature the combined liabilities. The appointed actuary must be satisfied that the assets held in support of the reserves and related actuarial items so aggregated are managed in such a manner that the cash flows from the aggregated assets are available to help mature the liabilities from the blocks of business that have been aggregated; or

2. Aggregate the results of asset adequacy analysis of one (1) or more products or lines of business, the reserves for which prove through analysis to be redundant, with the results of one (1) or more products or lines of business, the reserves for which prove through analysis to be deficient. The appointed actuary must be satisfied that the asset adequacy results for the various products or lines of business for which the results are so aggregated—

A. Are developed using consistent economic scenarios; or

B. Are subject to mutually independent risks, that is, the likelihood of events impacting the adequacy of the assets supporting the redundant reserves is completely unrelated to the likelihood of events impacting the adequacy of the assets supporting the deficient reserves. In the event of any aggregation, the actuary must disclose in his/her opinion that reserves were aggregated on the basis of the method described in paragraph (8)(A)1., or subparagraphs (8)(A)2.A. or B., whichever is applicable, and describe the aggregation in the supporting memorandum.

(B) Selection of Assets for Analysis. The appointed actuary shall analyze only those assets held in support of the reserves which are the subject for specific analysis, called specified reserves. A particular asset or portion of an asset supporting a group of specified reserves cannot support any other group of specified reserves. An asset may be allocated over several groups of specified reserves. The annual statement value of the assets held in support of the reserves shall not exceed the annual statement value of the specified reserves, except as provided in subsection (8)(C). If the method of asset allocation is not consistent from year-to-year, the extent of its inconsistency should be described in the supporting memorandum.]

[(C)]/(E) Use of Assets Supporting the Interest Maintenance Reserve and the Asset Valuation Reserve[:].

[1.] An appropriate allocation of assets in the amount of the interest maintenance reserve (IMR), whether positive or negative, [must] shall be used in any asset adequacy analysis. Analysis of risks regarding asset default may include an appropriate allocation of assets supporting the asset valuation reserve (AVR); these AVR assets may not be applied for any other risks with respect to reserve adequacy. Analysis of these and other risks may include assets supporting other mandatory or voluntary reserves available to the extent not used for risk analysis and reserve support.

[2. The amount of the assets used for the AVR must be disclosed in the Table of Reserves and Liabilities of the opinion and in the memorandum. The method used for selecting particular assets or allocated portions of assets must be disclosed in the memorandum.

(D) Required Interest Scenarios. For the purpose of performing the asset adequacy analysis required by this rule,

the qualified actuary is expected to follow standards adopted by the Actuarial Standards Board; nevertheless, the appointed actuary must consider in the analysis the effect of at least the following interest rate scenarios:

- 1. Level with no deviation;*
- 2. Uniformly increasing over ten (10) years at one-half percent (.5%) per year and then level;*
- 3. Uniformly increasing at one percent (1%) per year over five (5) years and then uniformly decreasing at one percent (1%) per year to the original level at the end of ten (10) years and then level;*
- 4. An immediate increase of three percent (3%) and then level;*
- 5. Uniformly decreasing over ten (10) years at one-half percent (.5%) per year and then level;*
- 6. Uniformly decreasing at one percent (1%) per year over five (5) years and then uniformly increasing at one percent (1%) per year to the original level at the end of ten (10) years and then level; and*
- 7. An immediate decrease of three percent (3%) and then level. For these and other scenarios which may be used, projected interest rates for a five (5)-year Treasury Note need not be reduced beyond the point where the five (5)-year Treasury Note yield would be at fifty percent (50%) of its initial level. The beginning interest rates may be based on interest rates for new investments as of the valuation date similar to recent investments allocated to support the product being tested or be based on an outside index, such as Treasury yields, of assets of the appropriate length on a date close to the valuation date. Whatever method is used to determine the beginning yield curve and associated interest rates should be specifically defined. The beginning yield curve and associated interest rates should be consistent for all interest rate scenarios.]*

[(E)/(F) Documentation. The appointed actuary shall retain on file, for at least seven (7) years, sufficient documentation so that it will be possible to determine the procedures followed, the analyses performed, the bases for assumptions and the results obtained.

AUTHORITY: sections 376.370, [RSMo 1986] and 376.380, RSMo [Supp. 1993] 2000 and section 374.045, SB 788, Second Regular Session, 94th General Assembly, 2008. Original rule filed Dec. 28, 1992, effective Sept. 9, 1993. Amended: Filed Oct. 30, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities, as a group, between zero dollars (\$0) and sixty-five thousand dollars (\$65,000) annually.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Andy Heitmann, Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within seven (7) days after the public hearing. The public hearing is scheduled for January 6, 2009 at 10:00 a.m. in the Central Conference Room of the Department of Insurance, Financial Institutions and Professional Registration, 301 West High Street, Room 530, Jefferson City, Missouri.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	20 CSR 200-1.116 Actuarial Opinion and Memorandum Regulation
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities as a group:
57	Number of Missouri life insurance companies and health maintenance organizations	\$0 – 65,000 annually

III. WORKSHEET

Number of Missouri domestic life insurance companies and health maintenance organizations (HMOs) is 57. These business entities were surveyed to find their estimates as to the likely costs of the proposed amendment.

IV. ASSUMPTIONS

The proposed amendment does not have a sunset clause. Accordingly, the fiscal impact of the proposed rule cannot be estimated on an aggregate basis. An estimate of the annual fiscal impact is provided instead.

The current rule directly affects all domestic life insurance companies and HMOs. The principal effect of the proposed amendment will be to require certain smaller insurance companies and HMOs to retain the services of an actuary to perform an asset adequacy test, whereas the current rule contains an exemption from such requirement for such companies and HMOs. The reason for the range in estimated fiscal impact is that certain of such companies and HMOs may nonetheless be exempted from the asset adequacy test based on geographic region in which they do business while others of such companies have already been required to undergo asset adequacy testing by specific order of the department and consequently may or may not be affected by the proposed amendment's general requirement for the same testing.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 5—State Funded Cost-Share Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Soil and Water Districts Commission under section 278.080, RSMo Supp. 2007, the commission amends a rule as follows:

10 CSR 70-5.040 Cost-Share Rates and Reimbursement
Procedures **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2008 (33 MoReg 1334). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Soil and Water Conservation Program received no comments during the public comment period.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 70—Soil and Water Districts Commission
Chapter 8—State Funded Special Area Land Treatment
(SALT) Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Soil and Water Districts Commission under section 278.080, RSMo Supp. 2007, the commission amends a rule as follows:

10 CSR 70-8.040 SALT Cost-Share Rates and Reimbursement
Procedures **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2008 (33 MoReg 1335). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Soil and Water Conservation Program received no comments during the public comment period.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 10—Nursing Home Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under section 208.159, RSMo 2000 and sections 208.153 and 208.201, RSMo Supp. 2007, the division amends a rule as follows:

13 CSR 70-10.015 Prospective Reimbursement Plan
for Nursing Facility Services **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1425-1429). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 10—Nursing Home Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under section 208.159, RSMo 2000 and sections 208.153 and 208.201, RSMo Supp. 2007, the division adopts a rule as follows:

13 CSR 70-10.016 Global Per Diem Adjustments to Nursing
Facility and HIV Nursing Facility Reimbursement Rates
is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1429-1432). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 10—Nursing Home Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.159, RSMo 2000 and sections 208.153 and 208.201, RSMo Supp. 2007, the division amends a rule as follows:

13 CSR 70-10.030 Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1433-1441). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 10—Nursing Home Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.153 and 208.201, RSMo Supp. 2007, the director amends a rule as follows:

13 CSR 70-10.080 Prospective Reimbursement Plan for HIV Nursing Facility Services **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1442-1444). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 15—Hospital Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.152, 208.153, 208.201, and 208.471, RSMo Supp. 2007, the division amends a rule as follows:

13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1444-1453). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 15—Hospital Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.453 and 208.455, RSMo 2000 and section 208.201, RSMo Supp. 2007, the division amends a rule as follows:

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1453-1455). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 40—Comprehensive Emergency Medical
Services Systems Regulations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under section 190.103, RSMo 2000, sections 190.108, 190.120, 190.160, 190.165, and 190.185, RSMo Supp. 2007, and section 190.176, HB 1790, 94th General Assembly, Second Regular Session, 2008, the department amends a rule as follows:

19 CSR 30-40.308 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1238-1242). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received two (2) comments on the proposed amendment.

COMMENT #1: The Missouri Association of Air Medical Services commented that the requirements in subsection (2)(E) should be limited to "the medical crew responding to scenes."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will add the requested language. The added language will change the requirement for air ambulance services that respond to scene flights, not those performing hospital-to-hospital transfers.

COMMENT #2: The Metropolitan Ambulance Services Trust commented in favor of the proposed amendments to 19 CSR 30-40.308 as published.

RESPONSE: No changes have been made to the rule as a result of this comment.

19 CSR 30-40.308 Application and Licensure Requirements Standards for the Licensure and Relicensure of Air Ambulance Services

(2) Air ambulance services shall meet the following operation and maintenance standards:

(E) The aviation crew of an air ambulance shall meet all requirements of the Federal Aviation Administration Title 14 CFR part 135, and the medical crew responding to scenes shall be able to demonstrate successful completion and maintenance of the following:

1. Education—

A. Basic Cardiac Life Support (BCLS) which is incorporated by reference in this rule as published by the American Heart Association in 2005 and is available at the American Heart Association, 7272 Greenville Avenue, Dallas, TX 75231. This rule does not incorporate any subsequent amendments or additions;

B. Advanced Cardiac Life Support (ACLS) or national equivalent. ACLS is incorporated by reference in this rule as published by the American Heart Association in 2005 and is available at the American Heart Association, 7272 Greenville Avenue, Dallas, TX 75231. This rule does not incorporate any subsequent amendments or additions;

C. Pediatric Advanced Life Support (PALS) or national equivalent. PALS is incorporated by reference in this rule as published by the American Heart Association in 2005 and is available at the American Heart Association, 7272 Greenville Avenue, Dallas, TX 75231. This rule does not incorporate any subsequent amendments or additions; and

D. Trauma Nurse Core Course (TNCC) or a trauma course approved by the medical director. TNCC is incorporated by reference in this rule as published by the Emergency Nurses Association in 2007 and is available at the Emergency Nurses Association, 915 Lee Street, Des Plaines, IL 60016-9659. This rule does not incorporate any subsequent amendments or additions. Examples of equivalent courses are, but not limited to: Pediatric Education for Pre-Hospital Professionals (PEPP); Emergency Nurse Pediatric Course (ENPC); International Trauma Life Support (ITLS); Pre-Hospital Trauma Life Support (PHTLS); and Transport Nurse Advanced Trauma Course (TNATC). PEPP is incorporated by reference in this rule as published by the American Academy of Pediatrics in 2006 and is available at the American Academy of Pediatrics, 141 Northwest Point Boulevard, Elk Grove, IL 60007. This rule does not incorporate any subsequent amendments or additions. ENPC is incorporated by reference in this rule as published by the Emergency Nurses Association in 2004 and is available at the Emergency Nurses Association, 915 Lee Street, Des Plaines, IL 60016-9659. This rule does not incorporate any subsequent amendments or additions. ITLS is incorporated by reference in this rule as published by ITLS International in 2007 and is available at ITLS International, 1 S. 280 Summit Ave., Court B-2, Oakbrook Terrace, IL 60181. This rule does not incorporate any subsequent amendments or additions. PHTLS is incorporated by reference in this rule as published by the National Association of Emergency Medical Technicians in 2006 and is available at the National Association of Emergency Medical Technicians, PO Box 1400, Clinton, MS 39060. This rule does not incorporate any subsequent amendments or additions. TNATC is incorporated by reference in this rule as published by the Air and Surface Transport Nurse's Association in 2006 and is available at the Air and Surface Transport Nurse's Association, 7995 East Prentice Avenue, Suite 100, Greenwood Village, CO 80111. This rule does not incorporate any subsequent amendments or additions; and

2. Licensure/certification—

A. Each medical crew member must hold a current and valid Missouri license as required for their level of practice.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES**

**Division 30—Division of Regulation and Licensure
Chapter 40—Comprehensive Emergency Medical
Services Systems Regulations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under section 190.103, RSMo 2000 and sections 190.131 and 190.185, RSMo Supp. 2007, the department amends a rule as follows:

19 CSR 30-40.331 Application and Accreditation or Certification Requirements for Training Entities that Conduct Training for First Responders, Emergency Medical Dispatcher, Emergency Medical Technicians-Basic, Emergency Medical Technicians-Intermediate and Emergency Medical Technicians-Paramedic **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1243-1250). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed amendment.

COMMENT: The Metropolitan Ambulance Services Trust commented in favor of the proposed amendment as published in the *Missouri Register*.

RESPONSE: No changes were made to the proposed amendment as a result of this comment.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 40—Comprehensive Emergency Medical
Services Systems Regulations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under sections 190.142, 190.160, 190.165, and 190.185, RSMo Supp. 2007, the department withdraws a proposed amendment as follows:

19 CSR 30-40.342 Application and Licensure Requirements for the Initial Licensure and Relicensure of Emergency Medical Technician-Basics, Emergency Medical Technician-Intermediate, and Emergency Medical Technician-Paramedics **is withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1250-1256). The proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The department received two (2) comments on the proposed amendment.

COMMENT #1: The Missouri Association of Air Medical Services commented that the requirements in this amendment would cause the paramedics in Missouri to have no ability to apply for a variance of practice and would impact patient care as a result.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees that sections 19 CSR 30-40.303 and 19 CSR 30-40.342 should be amended at a future date. As a result, the department is withdrawing the proposed amendment.

COMMENT #2: The Metropolitan Ambulance Services Trust commented that 19 CSR 30-40.342 should be removed from filing at this time and be submitted with 19 CSR 30-40.303 at a later date.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and is withdrawing the proposed amendment.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 40—Comprehensive Emergency Medical
Services Systems Regulations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under section 190.185, RSMo Supp. 2007 and section 190.241, HB 1790, 94th General Assembly, Second Regular Session, 2008, the department amends a rule as follows:

19 CSR 30-40.410 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1257-1258). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received five (5) comments on the proposed amendment.

COMMENT #1: The Metropolitan Ambulance Services Trust commented in favor of 19 CSR 30-40.410 as published in the *Missouri Register*.

RESPONSE: No changes were made to the proposed amendment as a result of this comment.

COMMENT #2: The Missouri Hospital Association (MHA) commented that subsection (1)(V) should be changed to clarify that promptly available (PA) means arrival at the hospital at the patient's bedside within thirty (30) minutes after notification of a patient's arrival at the hospital under normal driving and weather conditions.
RESPONSE AND EXPLANATION OF CHANGE: This is consistent with the language used in subsection (1)(N) in the definitions and will be added to subsection (1)(V).

COMMENT #3: The definition of surgical trauma call "register" in subsection (1)(CC) should be revised to refer to the list of available surgeons, which would supplant the reference to "back-up surgeons when indicated."

RESPONSE: Trauma surgeons, trauma nurses, administrators, and many others involved in trauma care drafted this language. This regulation is intended to assure there is back-up coverage available when indicated. Trauma centers must have a back-up trauma call roster unless they are a Level III center and have a transfer agreement in place. No changes were made to the proposed amendment as a result of this comment.

COMMENT #4: In subsection (1)(DD), the definition of "trauma center" says that Level I centers function "as the resource center within that region." As the metropolitan areas have multiple Level I centers in the region, it may be more appropriate to use "a" resource center.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will add the requested language to subsection (1)(DD). By making this change, trauma centers in metropolitan areas could benefit from more than one (1) resource center.

COMMENT #5: In reviewing the text, it was noted that there was no subsection (1)(I). The text went from subsection (1)(H) Continuing nursing education. . . to subsection (1)(J) Core surgeon. . .

RESPONSE AND EXPLANATION OF CHANGE: The division believes the numbering should be changed so that subsection (1)(I) is "Core surgeon is a member of the trauma team listed on the trauma call schedule ten percent (10%) of the time or greater," and the rest

of the subsections following should be renumbered.

19 CSR 30-40.410 Definitions and Abbreviations Relating to Trauma Centers

(1) The following definitions and abbreviations shall be used in the interpretation of the rules in 19 CSR 30-40.400 to 19 CSR 30-40.450:

(I) Core surgeon is a member of the trauma team listed on the trauma call schedule ten percent (10%) of the time or greater;

(J) Credentialed or credentialing is a hospital-specific system of documenting and recognizing the qualifications of medical staff and nurses and authorizing the performance of certain procedures and establishing clinical privileges in the hospital setting;

(K) EMS Bureau means the Missouri Department of Health and Senior Services Emergency Medical Services Bureau;

(L) Glasgow coma scale is a scoring system for assessing a patient's level of consciousness utilizing a point system which measures eye opening, verbal response, and motor response. The higher the total score, the better the patient's neurological status;

(M) Immediately available (IA) means being present at bedside at the time of the patient's arrival at the hospital when prior notification is possible and no more than twenty (20) minutes from the hospital under normal driving and weather conditions;

(N) In-house (IH) means being on the hospital premises twenty-four (24) hours a day;

(O) Liaison means one (1) physician representative from each of the following areas: Emergency Medicine, Neurosurgery, Orthopedics, and Anesthesia who is selected to attend the Performance Improvement and Patient Safety Committee and to disseminate information to the other physicians within his/her specialty taking trauma call;

(P) Missouri trauma registry is a statewide data collection system to compile and maintain statistics on mortality and morbidity of trauma victims, using a reporting method provided by the Missouri Department of Health and Senior Services;

(Q) Multidisciplinary trauma conference means a meeting of members of the trauma team and other appropriate hospital personnel to review the care of trauma patients at the hospital;

(R) Non-core surgeon is a member of the trauma call team listed on the trauma call schedule less than ten percent (10%) of the time;

(S) PALS means Pediatric Advanced Life Support, ENPC means Emergency Nurses Pediatric Course, and APLS means Advanced Pediatrics Life Support; when required, certification shall be maintained;

(T) Physician advisory group is two (2) or more physicians who collectively assume the role of a medical advisor;

(U) Promptly available (PA) means arrival at the patient's bedside within thirty (30) minutes after notification of a patient's arrival at the hospital under normal driving and weather conditions;

(V) R is a symbol to indicate that a standard is a requirement for trauma center designation at a particular level;

(W) Review is the inspection of hospitals to determine compliance with the rules of this chapter. There are four (4) types of reviews: the initial review of hospitals never before designated as trauma centers or hospitals never before reviewed for compliance with the rules of this chapter or hospitals applying for a new level of trauma center designation; the verification review to evaluate the correction of any deficiencies noted in a previous review; and the validation review, which shall occur every five (5) years to assure continued compliance with the rules of this chapter, and a focus review to allow review of substantial deficiencies by a review team;

(X) Revised trauma score (RTS) is a numerical methodology for categorizing the physiological status of trauma patients;

(Y) Senior trauma surgery resident is a physician in at least the third post-graduate year of study;

(Z) Severely injured adult patient is an injured patient with a Glasgow coma score (GCS) less than fourteen (14) or a systolic blood

pressure less than ninety (90) millimeters of mercury or respirations less than ten (10) per minute or more than twenty-nine (29) per minute;

(AA) Severely injured child is defined as a patient fourteen (14) years of age or less having a GCS less than fourteen (14), shock following injury, pediatric trauma score less than eight (8), or with any of the following conditions: unable to establish or maintain an airway; ineffective respiratory effort; penetrating injury to head, neck, chest, abdomen, or extremity proximal to elbow or knee; burns greater than ten percent (10%) of the body surface area or involving inhalation injury; two (2) or more proximal long bone fractures or pelvic fracture; open or depressed skull fracture; suspected spinal cord injury and/or paralysis; amputation proximal to wrist or ankle; facial or tracheal injury with airway compromise; pre-existing medical conditions; or respiratory or cardiopulmonary arrest after injury;

(BB) Surgical trauma call roster is a hospital-specific list of surgeons assigned to trauma care, including date(s) of coverage and back-up surgeons when indicated;

(CC) Trauma center is a hospital that has been designated in accordance with the rules in this chapter to provide systematized medical and nursing care to trauma patients. Level I is the highest level of designation and functions as a resource center for the hospitals within that region. Level II is the next highest level of designation dealing with large volumes of serious trauma. Level III is the next level with limited resources;

(DD) Trauma medical director is a surgeon designated by the hospital who is responsible for the trauma service and performance improvement and patient safety programs related to trauma care;

(EE) Trauma nurse coordinator/trauma program manager is a registered nurse designated by the hospital with responsibility for monitoring and evaluating the care of trauma patients and the coordination of performance improvement and patient safety programs for the trauma center in conjunction with the trauma medical director;

(FF) Trauma nursing course is an education program in nursing care of trauma patients;

(GG) Trauma service is an organizational component of the hospital specializing in the care of injured patients;

(HH) Trauma team is a team consisting of the emergency physician, physicians on the surgical trauma call roster, appropriate anesthesiology staff, nursing and other support staff as needed;

(II) Trauma team activation protocol is a hospital document outlining the criteria used to identify severely injured patients and the procedures for notification of trauma team members and indicating surgical and non-surgical specialty response times acceptable for treating major trauma patients; and

(JJ) Trauma triage is an estimation of injury severity at the scene of an accident.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Regulation and Licensure Chapter 40—Comprehensive Emergency Medical Services Systems Regulations

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under section 190.185, RSMo Supp. 2007 and section 190.241, HB 1790, 94th General Assembly, Second Regular Session, 2008, the department amends a rule as follows:

19 CSR 30-40.420 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1258-1261). Those sections with changes are reprinted

here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received two (2) comments on the proposed amendment.

COMMENT #1: The Metropolitan Ambulance Services Trust commented in favor of 19 CSR 30-40.420 as published in the *Missouri Register*.

RESPONSE: No changes have been made as a result of this comment.

COMMENT #2: The Missouri Hospital Association recommended that the words “but not be limited to” be removed from the description of the information requirements of the trauma center application in subsection (2)(A).

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will make the requested changes.

19 CSR 30-40.420 Trauma Center Designation Requirements

(2) The application required for trauma center designation shall be made upon forms prepared or prescribed by the EMS Bureau and shall contain information the EMS Bureau deems necessary to make a fair determination of eligibility for review and designation in accordance with the rules of this chapter.

(A) An application shall include the following information: designation level requested; name, address, and telephone number of hospital; name of chief executive officer, chairman/president of board of trustees, surgeon in charge of trauma care, trauma nurse coordinator/program manager, director of emergency medicine, and director of trauma intensive care; number of emergency department trauma caseload, trauma team activations, computerized tomography scan capability, magnetic resonance imaging capability, operating rooms, intensive care unit/critical care unit beds, burn beds, rehabilitation beds, trauma surgeons, neurosurgeons, orthopedists, emergency department physicians, anesthesiologists, certified registered nurse anesthetists, pediatricians, and pediatric surgeons; date of application; and signatures of the chairman/president of board of trustees, hospital chief executive officer, surgeon in charge of trauma, and director of emergency medicine. The trauma center review and designation application form, included herein, is available at the EMS Bureau office or may be obtained by mailing a written request to Missouri Department of Health and Senior Services, EMS Bureau, PO Box 570, Jefferson City, MO 65102-0570.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Regulation and Licensure Chapter 40—Comprehensive Emergency Medical Services Systems Regulations

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under section 190.185, RSMo Supp. 2007 and section 190.241, HB 1790, 94th General Assembly, Second Regular Session, 2008, the department amends a rule as follows:

19 CSR 30-40.430 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1261-1270). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received thirteen (13) comments on the proposed amendment.

COMMENT #1: The Missouri Society of Anesthesiologists commented in support of the proposed amendments regarding regulations that impact anesthesiologists.

RESPONSE: No change has been made as a result of this comment.

COMMENT #2: The Missouri Hospital Association (MHA) recommended that subsection (1)(C) be modified to reflect the appropriate trauma level I, II, and III staffing requirements. With the exception of subsection (1)(C), all the other standards in section (1) cite the level-specific compliance requirements.

RESPONSE: Subsection (1)(C) describes the requirements for attendance in the trauma program performance improvement and patient safety (PIPS) program meetings. Not all levels have the same compliment of surgical staff. For instance, there is a level III trauma center in southeast Missouri that has neurosurgeons on staff. These physicians must be included in the PIPS program meetings. This subsection does not require attendance if there are no physicians on staff, however, by making the requested change, hospitals with these physicians would not be required to assure their attendance in these meetings. The requirement is only fifty percent (50%) of the time, which in many centers would require attendance only twice per year. No change has been made as a result of this comment.

COMMENT #3: MHA recommended subparagraph (2)(C)1.C. be changed as requested in 19 CSR 30-40.410 and that the portion requiring back-up coverage for general trauma surgeons be deleted.

RESPONSE: As noted in comment #3 to 19 CSR 30-40.410, simply having a surgical trauma call roster does not identify the surgeon to be called in the event that the original on-call physician is in the operating room or otherwise unable to respond to a trauma call. No change has been made as a result of this comment.

COMMENT #4: MHA recommended the reference to anesthesiologist assistant supervision utilized for level III trauma centers in subparagraph (2)(C)13.B. also be utilized for level I and II trauma centers in subparagraph (2)(C)13.A. By law anesthesiologist assistants cannot practice without direct anesthesiologist supervision. The language added would be "in accordance with sections 334.400 to 334.430, RSMo."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will add the requested language, however, the language will be found in subparagraph (2)(C)24.A. due to restructuring of the regulation numbering in response to comment #8.

COMMENT #5: MHA recommended the phrase "immediately available" be changed to read "adjacent" in paragraph (3)(B)6. The section utilizes the phrase "immediately available" to describe adult trauma centers that are adjacent to the affected pediatric facilities. 19 CSR 30-40.410 defines "immediately available" for individual practitioners as being no more than twenty (20) minutes away during normal driving and weather conditions. The use of the same term for practitioners and facilities is confusing.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will add the requested language.

COMMENT #6: MHA commented that paragraph (3)(H)1. sets a one (1)-hour maximum response time for angiography with interventional capability. One (1) of MHA's members suggested further clarification as to when that one (1)-hour period would begin.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will add language to paragraph (3)(H)1. to define when the one (1)-hour response time begins.

COMMENT #7: MHA commented that subsection (4)(G) revises

trauma centers' obligations regarding emergency department diversion. The proposed changes would require trauma centers have a diversion protocol "in accordance with state regulations" presumably referencing the diversion standards in hospital licensure regulations. However, it also creates a new standard for trauma centers to be similar but somewhat less detailed than the standards of the hospital licensure regulation on this topic. MHA questions the value of creating regulatory standards on emergency department diversion in both the trauma and hospital licensure regulations, especially if the standards differ.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will remove the language added to subsection (4)(G).

COMMENT #8: The trauma nurses commented that some portions of 19 CSR 30-40.430 are confusing and could be easier to follow if some sections are arranged differently. For instance, subsection (2)(C) should be restructured.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will make changes to the arrangement of the regulation.

COMMENT #9: The trauma nurses commented that in part (3)(A)1.E.(II) "Trauma Nursing Core Curriculum" should read "Trauma Nurse Core Curriculum."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will make the requested change to the language.

COMMENT #10: The trauma nurses commented that in part (3)(A)1.E.(II) "the requirement for Trauma Nurse Core Curriculum, Advanced Pediatric Life Support, or Emergency Nursing Pediatric Course" should read, "the requirement for Pediatric Advanced Life Support, Advanced Pediatric Life Support, or Emergency Nursing Pediatric Course."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and makes the requested change to the language.

COMMENT #11: When reviewing part (3)(A)1.E.(II), program staff noticed that the same issue raised in comment #5 was present.

RESPONSE AND EXPLANATION OF CHANGE: The words "immediately available" has been changed in part (3)(A)1.E.(II) to "adjacent" for consistency with paragraph (3)(B)6.

COMMENT #12: When reviewing subsection (4)(G), program staff noticed the language "quality improvement process."

RESPONSE AND EXPLANATION OF CHANGE: The words "quality improvement process" have been changed to "Performance Improvement and Patient Safety Program" for consistency with subsection (4)(A).

COMMENT #13: When reviewing subsection (2)(C) and subparagraph (2)(C)1.D., staff noticed the reformatting changes as suggested by the trauma nurses and agreed to by the department changed the original intent of the proposed rule about who needs to be board-certified or board-admissible. Staff suggested the word "physicians" be changed to "surgeons" to comply with the original intent of the proposed rule.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will make the necessary changes.

19 CSR 30-40.430 Standards for Trauma Center Designation

(2) Hospital Organization Standards for Trauma Center Designation.

(C) Surgeons who are board-certified or board-admissible or complete an alternate pathway as documented and defined by the trauma medical director using the criteria established by the American College of Surgeons (ACS) in the current Resource for Optimal Care Document in the following specialties and who are credentialed by the hospital for trauma care shall be on the trauma center staff and/or be available to the patient as indicated. The Resource for Optimal

Care Document is incorporated by reference in this rule as published by the American College of Surgeons in 2006 and is available at the American College of Surgeons, 633 N. St. Clair St., Chicago, IL 60611. This rule does not incorporate any subsequent amendments or additions.

1. General surgery—I-R, II-I/A, III-P/A.

A. The general surgery staffing requirement may be fulfilled by a senior surgery resident credentialed in general surgery, including trauma care, and Advanced Trauma Life Support (ATLS) certification and capable of assessing emergency situations in general surgery.

B. The trauma surgeon shall be immediately available and in attendance with the patient when a trauma surgery resident is fulfilling availability requirements.

C. In a level I or II center, call rosters providing back-up coverage will be maintained for general trauma surgeons. In a level III center, call rosters providing for back-up coverage for general trauma surgeons will be maintained or a written transfer agreement to a level I or II trauma center provided.

D. Surgeons who are board-certified or board-admissible and who are credentialed by the hospital for trauma care shall be on the trauma center staff.

2. Neurologic surgery—I-IH, II-IA.

A. The neurologic surgery staffing requirement may be fulfilled by a surgeon who has been approved by the chief of neurosurgery for care of patients with neural trauma.

B. The surgeon shall be capable of initiating measures toward stabilizing the patient and performing diagnostic procedures.

3. Cardiac/Thoracic surgery—I-R/PA, II-R/PA.

4. Obstetric-gynecologic surgery—I-R/PA, II-R/PA.

5. Ophthalmic surgery—I-R/PA, II-R/PA.

6. Orthopedic surgery—I-R/PA, II-R/PA.

7. Maxillofacial trauma surgery—I-R/PA, II-R/PA.

8. Otorhinolaryngologic surgery—I-R/PA, II-R/PA.

9. Pediatric surgery/trauma surgeon credentialed and privileged in pediatric trauma care—I-R/IA, II-R/PA; this requirement will be waived in centers that provide evaluation and care to adults only.

10. Plastic surgery—I-R/PA, II-R/PA.

11. Urologic surgery—I-R/PA, II-R/PA.

12. Emergency medicine—I-R/IH, II-R/IH, III-R/IH.

13. Cardiology—I-R/PA, II-R/PA.

14. Chest pulmonary medicine—I-R/PA, II-R/PA.

15. Gastroenterology—I-R/PA, II-R/PA.

16. Hematology—I-R/PA, II-R/PA.

17. Infectious diseases—I-R/PA, II-R/PA.

18. Internal medicine—I-R/PA, II-R/PA, III-R/PA.

19. Nephrology—I-R/PA, II-R/PA.

20. Pathology—I-R/PA, II-R/PA.

21. Pediatrics—I-R/PA, II-R/PA.

22. Psychiatry—I-R/PA, II-R/PA.

23. Radiology—I-R/PA, II-R/PA.

24. Anesthesiology—I-R/IH, II-R/IA, III-R/PA.

A. In a level I or II trauma center, anesthesiology staffing requirements may be fulfilled by anesthesiology residents or certified registered nurse anesthetists (CRNA) capable of assessing emergent situations in trauma patients and of providing any indicated treatment including induction of anesthesia or may be fulfilled by anesthesiologist assistants with anesthesiologist supervision in accordance with sections 334.400 to 334.430, RSMo.

B. In a level III trauma center, anesthesiology requirements may be fulfilled by a CRNA with physician supervision, or an anesthesiologist assistant with anesthesiology supervision.

(3) Standards for Special Facilities/Resources/Capabilities for Trauma Center Designation.

(A) The hospital shall meet emergency department standards for trauma center designation.

1. The emergency department staffing shall ensure immediate and appropriate care of the trauma patient. (I-R, II-R, III-R)

A. The physician director of the emergency department shall be board-certified or board-admissible in emergency medicine. (I-R, II-R)

B. There shall be a physician trained in the care of the critically injured as evidenced by credentialing in ATLS and current in trauma CME in the emergency department twenty-four (24) hours a day. ATLS is incorporated by reference in this rule as published by the American College of Surgeons in 2003 and is available at American College of Surgeons, 633 N. St. Clair St., Chicago, IL 60611. This rule does not incorporate any subsequent amendments or additions. (I-R, II-R, III-R)

C. All emergency department physicians shall be certified in ATLS at least once. Physicians who are certified by boards other than emergency medicine who treat trauma patients in the emergency department are required to have current ATLS status. (I-R, II-R, III-R)

D. There shall be written protocols defining the relationship of the emergency department physicians to other physician members of the trauma team. (I-R, II-R, III-R)

E. All registered nurses assigned to the emergency department shall be credentialed in trauma nursing by the hospital within one (1) year of assignment. (I-R, II-R, III-R)

(I) Registered nurses credentialed in trauma nursing shall document a minimum of eight (8) hours of trauma-related continuing nursing education per year. (I-R, II-R, III-R)

(II) Registered nurses credentialed in trauma care shall maintain current provider status in the Trauma Nurse Core Curriculum or Advanced Trauma Care for Nurses and either Pediatric Advanced Life Support (PALS), Advanced Pediatric Life Support (APLS), or Emergency Nursing Pediatric Course (ENPC) within one (1) year of employment in the emergency department. The requirement for Pediatric Advanced Life Support, Advanced Pediatric Life Support, or Emergency Nursing Pediatric Course may be waived in centers where policy exists diverting injured children to a pediatric trauma center and where a pediatric trauma center is adjacent and a performance improvement filter reviewing any children seen is maintained. The Trauma Nurse Core Curriculum is incorporated by reference in this rule as published in 2007 by the Emergency Nurses Association and is available at the Emergency Nurses Association, 915 Lee Street, Des Plaines, IL 60016-9659. This rule does not incorporate any subsequent amendments or additions. Advanced Trauma Care for Nurses is incorporated by reference in this rule as published in 2003 by the Society of Trauma Nurses and is available at the Society of Trauma Nurses, 1926 Waukegan Road, Suite 100, Glenview, IL 60025. This rule does not incorporate any subsequent amendments or additions. Pediatric Advanced Life Support is incorporated by reference in this rule as published in 2005 by the American Heart Association and is available at the American Heart Association, 7272 Greenville Avenue, Dallas, TX 75231. This rule does not incorporate any subsequent amendments or additions. The Emergency Nursing Pediatric Course is incorporated by reference in this rule as published by the Emergency Nurses Association in 2004 and is available at the Emergency Nurses Association, 915 Lee Street, Des Plaines, IL 60016-9659. This rule does not incorporate any subsequent amendments or additions. (I-R, II-R, III-R)

2. Equipment for resuscitation and life support with age appropriate sizes for the critically or seriously injured shall include the following:

A. Airway control and ventilation equipment including laryngoscopes, endotracheal tubes, bag-mask resuscitator, sources of oxygen, and mechanical ventilator—I-R, II-R, III-R;

B. Suction devices—I-R, II-R, III-R;

C. Electrocardiograph, cardiac monitor, and defibrillator—I-R, II-R, III-R;

D. Central line insertion equipment—I-R, II-R, III-R;

E. All standard intravenous fluids and administration devices including intravenous catheters—I-R, II-R, III-R;

F. Sterile surgical sets for procedures standard for the emergency department—I-R, II-R, III-R;

G. Gastric lavage equipment—I-R, II-R, III-R;

H. Drugs and supplies necessary for emergency care—I-R, II-R, III-R;

I. Two-way radio linked with emergency medical service (EMS) vehicles—I-R, II-R, III-R;

J. End-tidal carbon dioxide monitor—I-R, II-R, III-R and mechanical ventilators—I-R, II-R;

K. Temperature control devices for patient, parenteral fluids, and blood—I-R, II-R, III-R; and

L. Rapid infusion system for parenteral infusion—I-R, II-R, III-R.

3. There shall be documentation that all equipment is checked according to the hospital preventive maintenance schedule. (I-R, II-R, III-R)

4. There shall be a designated trauma resuscitation area in the emergency department. (I-R, II-R)

5. There shall be X-ray capability with twenty-four (24)-hour coverage by technicians. (I-IH, II-IH, III-IA)

6. Nursing documentation for the trauma patient shall be on a trauma flow sheet approved by the trauma medical director and trauma nurse coordinator/trauma program manager. (I-R, II-R, III-R)

(B) The hospital shall meet intensive care unit (ICU) standards for trauma center designation.

1. There shall be a designated surgeon medical director for the ICU. (I-R, II-R, III-R)

2. A physician who is not the emergency department physician shall be on duty in the ICU or available in-house twenty-four (24) hours a day in a level I trauma center and shall be on call and available within twenty (20) minutes in a level II trauma center.

3. The minimum registered nurse/trauma patient ratio used shall be one to two (1:2). (I-R, II-R, III-R)

4. Registered nurses shall be credentialed in trauma care within one (1) year of assignment documenting a minimum of eight (8) hours of trauma-related continuing nursing education per year. (I-R, II-R, III-R)

5. Nursing care documentation shall be on a patient flow sheet. (I-R, II-R, III-R)

6. At the time of the initial review, nurses assigned to ICU shall have successfully completed or be registered for a provider ACLS course. The requirement for ACLS may be waived in pediatric centers where policy exists diverting injured adults to an adult trauma center and where an adult trauma center is adjacent to the affected pediatric facilities, and a performance improvement filter reviewing any adult trauma patients seen is maintained (I-R, II-R, III-R).

7. There shall be separate pediatric and adult ICUs or a combined ICU with nurses trained in pediatric intensive care. In ICUs providing care to children, registered nurses shall maintain credentialing in PALS, APLS, or ENPC (I-R, II-R)

8. There shall be beds for trauma patients or comparable level of care provided until space is available in ICU. (I-R, II-R, III-R)

9. Equipment for resuscitation and to provide life support for the critically or seriously injured shall be available for the intensive care unit. In ICUs providing care for the pediatric patient, equipment with age appropriate sizes shall also be available. This equipment shall include, but not be limited to:

A. Airway control and ventilation equipment including laryngoscopes, endotracheal tubes, bag-mask resuscitator, and a mechanical ventilator—I-R, II-R, III-R;

B. Oxygen source with concentration controls—I-R, II-R, III-R;

C. Cardiac emergency cart, including medications—I-R, II-R, III-R;

D. Temporary transvenous pacemakers—I-R, II-R, III-R;

E. Electrocardiograph, cardiac monitor, and defibrillator—I-R, II-R, III-R;

F. Cardiac output monitoring—I-R, II-R;

G. Electronic pressure monitoring and pulse oximetry—I-R, II-R;

H. End-tidal carbon dioxide monitor and mechanical ventilators—I-R, II-R, III-R;

I. Patient weighing devices—I-R, II-R, III-R;

J. Temperature control devices—I-R, II-R, III-R;

K. Drugs, intravenous fluids, and supplies—I-R, II-R, III-R; and

L. Intracranial pressure monitoring devices—I-R, II-R.

10. There shall be documentation that all equipment is checked according to the hospital preventive maintenance schedule. (I-R, II-R, III-R)

(H) Radiological capabilities for trauma center designation including a mechanism for timely interpretation to aid in patient management shall include:

1. Angiography with interventional capability available twenty-four (24) hours a day with a one (1)-hour maximum response time from time of notification—I-R, II-R;

2. Sonography available twenty-four (24) hours a day with a thirty (30)-minute maximum response time—I-R;

3. Resuscitation equipment available to the radiology department—I-R, II-R, III-R;

4. Adequate physician and nursing personnel present with monitoring equipment to fully support the trauma patient and provide documentation of care during the time the patient is physically present in the radiology department and during transportation to and from the radiology department. Nurses providing care for the trauma patients that are not accompanied by a trauma nurse while in the radiology department during initial evaluation and resuscitation shall maintain the same credentialing required of emergency department nursing personnel—I-R, II-R, III-R;

5. In-house computerized tomography—I-R, II-R; and

6. Computerized tomography technician—I-IH, II-IA.

(4) Standards for Programs in Performance Improvement and Improvement Patient Safety Program, Outreach, Public Education, and Training for Trauma Center Designation.

(G) Hospital diversion information must be maintained to include date, length of time, and reason for diversion. This must be monitored as a part of the Performance Improvement and Patient Safety program, and available when the hospital is site reviewed.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Regulation and Licensure Chapter 40—Comprehensive Emergency Medical Services Systems Regulations

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Health and Senior Services under sections 190.528 and 190.537, RSMo Supp. 2007, the department adopts a rule as follows:

19 CSR 30-40.528 Application and Licensure Requirements; Standards for the Licensure and Relicensure of Stretcher Van Services is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 1, 2008 (33 MoReg 1271-1275). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one (1) comment on the proposed rule.

COMMENT: The Metropolitan Ambulance Services Trust commented in favor of the proposed rule.

RESPONSE: The department has made no changes to the proposed rule as a result of this comment.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 100—Insurer Conduct
Chapter 8—Market Conduct Examination**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, SB 788, 94th General Assembly, Second Regular Session, 2008, the director amends a rule as follows:

20 CSR 100-8.040 Insurer Record Retention is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1456). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Insurance, Financial Institutions and Professional Registration received no comments on this proposed amendment.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 300—Market Conduct Examinations
Chapter 1—Sampling and Error Rates**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, SB 788, 94th General Assembly, Second Regular Session, 2008, the director rescinds a rule as follows:

20 CSR 300-1.100 Unfair Claims Settlement Rates is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1456). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Insurance, Financial Institutions and Professional Registration received no comments on this proposed rescission.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 300—Market Conduct Examinations
Chapter 1—Sampling and Error Rates**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Insurance, Financial Institutions and Professional Registration under section

374.045, SB 788, 94th General Assembly, Second Regular Session, 2008, the director rescinds a rule as follows:

**20 CSR 300-1.200 Fraudulent or Bad Faith Conduct Rules
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1456-1457). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Insurance, Financial Institutions and Professional Registration received no comments on this proposed rescission.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 300—Market Conduct Examinations
Chapter 2—Record Retention for Market Conduct
Examinations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, SB 788, 94th General Assembly, Second Regular Session, 2008, the director rescinds a rule as follows:

**20 CSR 300-2.100 File and Record Documentation for Claims
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1457). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Insurance, Financial Institutions and Professional Registration received no comments on this proposed rescission.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 300—Market Conduct Examinations
Chapter 2—Record Retention for Market Conduct
Examinations**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, SB 788, 94th General Assembly, Second Regular Session, 2008, the director rescinds a rule as follows:

**20 CSR 300-2.200 Records Required for Purposes of Market
Conduct Examinations is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1457). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Insurance, Financial Institutions and Professional Registration received no comments on this proposed rescission.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 300—Market Conduct Examinations
Chapter 3—Policy Contents and Coverages**

ORDER OF RULEMAKING

By the authority vested in the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, SB 788, 94th General Assembly, Second Regular Session, 2008, the director rescinds a rule as follows:

**20 CSR 300-3.100 Primary Coverage for Replacement Vehicle
is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 1, 2008 (33 MoReg 1457-1458). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Insurance, Financial Institutions and Professional Registration received no comments on this proposed rescission.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 400—Life, Annuities and Health
Chapter 7—Health Maintenance Organizations**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Insurance, Financial Institutions and Professional Registration under section 354.442.1(15), RSMo 2000.

20 CSR 400-7.180 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1165-1166). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held July 29, 2008, and the public comment period ended July 29, 2008. At the public hearing, the Insurance Solvency and Company Regulation Division staff explained the proposed amendment and comments were made by the following: Brent Butler and Calvin Call for Missouri Insurance Coalition, Ronald Auer and Shannon Meroney for Aetna Healthcare, Carlene Marra for Humana Healthcare Plans, Linda Pracht for Blue Cross and Blue Shield of Kansas, J. Holmes for Harmony Health Plan of Missouri, Dianne Bricker for America's Health Insurance Plans, Amy Niehaus for Anthem Blue Cross and Blue Shield, Mark Steele for Truman Medical Center, Shelley Bowen and Kathy James for Blue Cross and Blue Shield of Kansas City, Genni Koser for BJC's Credentialing Organization, Daniel Landon for Missouri Hospital Association, and Melissa Garrett for American Specialty Health.

COMMENT #1: Nine (9) parties opposed the statement in section (2) that no future amendments to the Council for Affordable Quality Healthcare (CAQH) form would be acceptable. All commented that problems would be created for them when CAQH publishes any updates to their form, as the version currently published and named in the proposal would then no longer be available from CAQH and the Internet-based service that CAQH provides for the form would no longer support the correct form. (The parties making this comment were America's Health Insurance Plans, Anthem Blue Cross and Blue Shield, Blue Cross and Blue Shield of Kansas City, Blue Cross and Blue Shield of Kansas, Harmony Health Plan of Missouri, Humana Health Plan, the Missouri Hospital Association, the Missouri Insurance Coalition, and Truman Medical Center.)

RESPONSE: State law at section 536.031.4, RSMo, requires state agencies to state that any referenced rules, regulations, standards, or guidelines do not include any later amendments or additions. It is the policy of the state of Missouri to require state agencies to readdress any subsequent amendments or additions to referenced material through the standard rule making process in order to assure the opportunity for public comment on such amendments or additions. The proposed amendment to 20 CSR 400-7.180 retains the procedure for requesting permission to use another credentialing form. It is the intent of the department that this procedure would be utilized if and when CAQH amends or modifies their credentialing form. Permission would be granted to use the CAQH updates. In the mean time, the department could take the steps necessary to formally amend the regulation. No change has been made to the proposal as a result of these comments.

COMMENT #2: Aetna objected to the proposed prohibition that health maintenance organizations (HMOs) may not routinely request information that duplicates information contained on the credentialing form as required by section (3) of this rule. Aetna argued that other critical functions of the plan, such as claims processing and provider contracting, require HMOs to repeatedly gather the same information. The proposed prohibition would catastrophically impair these non-credentialing functions. The proposed prohibition would then mean the HMO could not require the provider's name or address information on claim forms, for example.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees that there is no intent to impact any function of a managed care operation other than credentialing. However, the department is unaware of any other managed care organization that is unable to gather necessary contracting information (such as location of multiple provider offices) from the credentialing form. In addition, the proposed CAQH form contains a specific supplement for gathering multiple practice locations, making it less necessary for HMOs to gather such information in a separate process or through a separate form. The proposal is modified to clarify exemption of the claims process.

COMMENT #3: Truman Medical Center opposed the proposal on the grounds that CAQH as an organization is expensive and does not carry out its on-line support functions very well. As a delegated credentialing agent for several managed care plans, Truman Medical Center anticipates over one hundred thousand dollars (\$100,000) in software costs in the first year should the proposal go into effect. Additional ongoing costs were mentioned at a level of five thousand dollars (\$5,000) or less annually.

RESPONSE: The proposal does not mandate the use of CAQH's on-line support features. In fact, the proposal requires HMOs to accept any accurate reproduction of the standardized form, unless the HMO is not prepared to handle electronic or on-line versions. Similar to the manner in which various organizations have created alternative electronic versions of the current standard form, the proposal explicitly protects electronic versions of the CAQH form should other vendors make such options available. The department has not modified the proposal as a result of this comment.

COMMENT #4: The department received a copy of an executive order signed by former Governor Bob Holden, dated March 17, 2004, from an anonymous party. The executive order bars state agencies from signing contracts with vendors that utilize foreign labor to meet the requirements of state contracts.

RESPONSE: The department is aware that CAQH has a support center and call center located outside of the United States. However, the proposal does not mandate dealing directly with CAQH in any way. The proposal does not establish any contract between any vendor and any agency of state government. Therefore, the department has not modified the proposal as a result of this submission.

COMMENT #5: American Specialty Health Networks and America's Health Insurance Plans each sent a request to use alternate credentialing forms for non-physician types of professionals (such as therapists or chiropractors) because the CAQH form is not designed to credential these types of professionals.

RESPONSE: The department is aware that the CAQH form poses some problems for credentialing non-physician professionals. The department intends for a single form to serve the needs of all providers and HMOs, but acknowledges the need to gather certain information pertinent to certain areas of practice. The current regulation already contains procedures for approval of other forms. The department intends to utilize this process to open a new discussion on the merits of supplements to the main form, where specialized information is beneficial, non-duplicative and National Committee for Quality Assurance (NCQA) compliant. No change was made to the proposal as a result of this comment.

COMMENT #6: Harmony Health Plan commented that the CAQH on-line system stores any earlier versions of the CAQH form and that providers only attest to that earlier version during the recredentialing process. Therefore, plans must be permitted to continue to accept past versions in the recredentialing process.

RESPONSE: According to representatives of CAQH, a provider that is using the on-line system will be asked to address any updates at the time of re-attestation. A provider would not be asked to re-attest to, or to be recredentialed under, an old version of the form. For accreditation purposes only, the system retains a "vintage" image of any old versions to serve as proof of the date such form was originally completed. The "vintage" image is only accessible through a process separate from normal credentialing, attestation, and recredentialing. If a system glitch is causing Harmony providers to re-attest to old versions, this is something that Harmony needs to work out with CAQH, and is not grounds to modify the proposal. Also, the proposal only adopts the paper form, and does not require use of the on-line system. Upon recredentialing using the paper form, it is expected that providers will fill out the new form rather than re-attest to the old one. Since no other party is raising this issue, CAQH disputes the comment, and as the proposal does not require the on-line system, no change is made to the proposal as a result of this comment.

COMMENT #7: Harmony Health Plan commented that hospitals which perform delegated credentialing for HMOs should be excluded from the rule. No explanation for this suggestion was provided. No hospital asked to be excused.

RESPONSE: The department is unaware of any reason why hospitals should be treated differently now than they have been treated in the past with regard to delegated HMO credentialing. The department is unaware of any reason hospitals should be treated differently from other organizations to which HMOs delegate the credentialing function. Therefore, no change is made to the proposal as a result of this comment.

COMMENT #8: BJC's Credentialing Organization commented that they require a Microsoft Word version of the credentialing form with pre-populated information for recredentialing purposes.

RESPONSE: The department has never supplied a Microsoft Word version of the current credentialing form. The department assumes

BJC's Credentialing Organization developed such version themselves, or acquired it from another party. The proposal explicitly protects all accurate reproductions of the proposed form. If any organization elects to create a Microsoft Word version of the proposed form, that version would be protected under the proposal. Therefore, no change is made as a result of this comment.

COMMENT #9: The Missouri Insurance Coalition commented that the proposal should incorporate a transition period or grace period for purposes of migrating from the old form to the new form.

RESPONSE: The department is aware that other organizations were also concerned about a transition period or grace period, even though they did not supply formal comments on this issue. However, since the fall of 2007, HMOs have been directed to accept the CAQH form if that is what a non-Missouri provider supplies—in effect, a de facto grace period. Also, the proposal does not require immediate recredentialing of all providers. It only stipulates that upon recredentialing (whenever that normally occurs), the proposed new form would be required. It is assumed that HMOs will transition providers to the new form on the normal recredentialing cycle. In fact, the department is more concerned that HMOs will interpret the proposal as requiring immediate transition to the new form, and that would cause unnecessary upheaval for medical providers, credentialing agents, and health plan enrollees. Therefore, the department will issue a bulletin defining "reasonable compliance" as evidence that an HMO and its credentialing agents are moving to the new form on their normal recredentialing cycle, and directing HMOs away from imposing any unreasonably immediate change. No change is made to the proposal as a result of this comment.

COMMENT #10: Molly White from the department commented that in section (2), Missouri Standardized Credentialing Form should instead refer to Form UCDS.

RESPONSE AND EXPLANATION OF CHANGE: This change was made to make all references to the credentialing form consistent.

20 CSR 400-7.180 Standard Form To Establish Credentials

(2) The Universal Credentialing DataSource form (Form UCDS), incorporated by reference and published on October 31, 2006, by the Council for Affordable Quality Healthcare, 601 Pennsylvania Avenue NW, South Building, Suite 500, Washington, DC 20004, has been adopted and shall be used by all health carriers and their agents when credentialing or recredentialing health care professionals in a managed care plan. The director on request will supply in printed format the form specified in this rule. The form referenced herein is available at <http://www.insurance.mo.gov>. This rule does not incorporate any subsequent amendments or additions. Use of another standardized credentialing form is permissible so long as the director determines prior to its use that it is substantially similar to Form UCDS. Carriers shall accept any form approved by the director for credentialing purposes, and shall not require a Missouri health care professional to use any particular approved form to the exclusion of any other approved form, so long as the form submitted by the Missouri health care professional is Form UCDS or any other form approved pursuant to this rule. Requests for the director's approval of the use of another standardized credentialing form should be submitted to the following address: Missouri Department of Insurance, Managed Care Section, PO Box 690, Jefferson City, MO 65102-0690. A request must include a complete copy of the form to be approved and the name, address, and telephone number of the person requesting approval. The director will provide written notice to all Missouri licensed health maintenance organizations of the approval of the use of another standardized credentialing form. The director also will provide on the department's Internet home page a copy of Form UCDS with a list of other standardized credentialing forms that have been approved.

(3) Health carriers may request additional information to explain or provide details regarding responses obtained on the standard form.

Health carriers and their agents are prohibited from routinely requiring additional information, or information that duplicates information on Form UCDS, from health care professionals. This prohibition shall not apply to gathering information on standard claim forms for purposes of routine claims submission and payment processes.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2197—Board of Therapeutic Massage
Chapter 2—Massage Therapist Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.240, 324.243, and 324.265, SB 788 and HB 1419, 94th General Assembly, Second Regular Session, 2008, section 324.267, RSMo 2000, and sections 324.245 and 324.270, RSMo Supp. 2007, the board amends a rule as follows:

20 CSR 2197-2.010 Application for Licensure is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2008 (33 MoReg 1575–1578). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2205—Missouri Board of Occupational Therapy
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Occupational Therapy under sections 324.065, 324.068, and 324.074, RSMo 2000, the board amends a rule as follows:

20 CSR 2205-1.050 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2008 (33 MoReg 1579–1581). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2205—Missouri Board of Occupational Therapy
Chapter 5—Continuing Competency Requirements**

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Occupational Therapy under sections 324.065 and 324.080, RSMo 2000 and section 324.086, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2205-5.010 Continuing Competency Requirements
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2008 (33 MoReg 1582–1584). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2230—State Board of Podiatric Medicine
Chapter 1—Organization and Description of Board**

ORDER OF RULEMAKING

By the authority vested in the State Board of Podiatric Medicine under sections 330.010, 330.040, 330.050, and 330.070, RSMo Supp. 2007 and section 330.140, RSMo 2000, the board amends a rule as follows:

20 CSR 2230-1.030 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2008 (33 MoReg 1585). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2235—State Committee of Psychologists
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under sections 337.020 and 337.050.9, RSMo 2000, the board amends a rule as follows:

**20 CSR 2235-1.025 Application for Provisional Licensure
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2008 (33 MoReg 1585). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2235—State Committee of Psychologists
Chapter 1—General Rules**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under sections 337.020 and 337.050.9, RSMo 2000, the board amends a rule as follows:

20 CSR 2235-1.026 Application for Temporary Licensure
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2008 (33 MoReg 1585–1586). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2235—State Committee of Psychologists
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under sections 337.025, 337.033, and 337.050.9, RSMo 2000, the board amends a rule as follows:

20 CSR 2235-2.005 Educational Requirements, Section 337.025,
RSMo is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2008 (33 MoReg 1586). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2235—State Committee of Psychologists
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under sections 334.125, 337.045.5, and 337.050.5, RSMo 2000, the board rescinds a rule as follows:

20 CSR 2235-2.030 Post Master's Degree Supervised Professional
Experience, Section 337.021, RSMo is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on August 15, 2008 (33 MoReg 1586). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2235—State Committee of Psychologists
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under sections 337.025 and 337.050.9, RSMo 2000, the board amends a rule as follows:

20 CSR 2235-2.050 Supervised Professional Experience, Section
337.025, RSMo, for the Delivery of Nonhealth Psychological
Services is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2008 (33 MoReg 1586–1587). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2235—State Committee of Psychologists
Chapter 3—Health Service Provider Certification**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under sections 337.033 and 337.050.9, RSMo 2000, the board amends a rule as follows:

20 CSR 2235-3.020 Health Service Provider Certification
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2008 (33 MoReg 1587–1588). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2235—State Committee of Psychologists
Chapter 7—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under section 337.050.12, RSMo 2000, the board amends a rule as follows:

20 CSR 2235-7.005 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2008 (33 MoReg 1588). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2235—State Committee of Psychologists
Chapter 7—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under section 337.050.12, RSMo 2000, the board amends a rule as follows:

20 CSR 2235-7.010 Continuing Education is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2008 (33 MoReg 1588). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2235—State Committee of Psychologists
Chapter 7—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under section 337.030, RSMo Supp. 2007 and section 337.050.12, RSMo 2000, the board amends a rule as follows:

20 CSR 2235-7.020 Continuing Education Reports is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2008 (33 MoReg 1589). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2235—State Committee of Psychologists
Chapter 7—Continuing Education**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under section 337.030, RSMo Supp. 2007 and section 337.050.12, RSMo 2000, the board amends a rule as follows:

**20 CSR 2235-7.030 Categories of Continuing Education Programs
and Credits is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2008 (33 MoReg 1589). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2270—Missouri Veterinary Medical Board
Chapter 2—Licensure Requirements for Veterinarians**

ORDER OF RULEMAKING

By the authority vested in the Missouri Veterinary Medical Board under section 340.210, RSMo 2000 and sections 340.200 and 340.246, RSMo Supp. 2007, the board amends a rule as follows:

**20 CSR 2270-2.021 Internship or Veterinary Candidacy Program
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2008 (33 MoReg 1589–1590). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2270—Missouri Veterinary Medical Board
Chapter 4—Minimum Standards**

ORDER OF RULEMAKING

By the authority vested in the Missouri Veterinary Medical Board under sections 41.946, 340.210, 340.258, and 340.324, RSMo 2000, the board amends a rule as follows:

**20 CSR 2270-4.050 Minimum Standards for Continuing
Education for Veterinary Technicians is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2008 (33 MoReg 1590). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

**7 CSR 10-25.010 Skill Performance Evaluation Certificates for
Commercial Drivers**

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below on or before December 31, 2008.

ADDRESSES: You may submit comments concerning an applicant, identified by the application number stated below, by any of the following methods:

- *Email:* Kathy.Hatfield@modot.mo.gov
- *Mail:* PO Box 893, Jefferson City, MO 65102-0893
- *Hand Delivery:* 1320 Creek Trail Drive, Jefferson City, MO 65109
- *Instructions:* All comments submitted must include the agency name and application number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection, and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-

0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2007, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application # MP081024045

Applicant's Name & Age: Kevin Eugene Tate, 44

Relevant Physical Condition: Mr. Tate's best-corrected visual acuity in his left eye is 20/20 Snellen and his right eye is 20/400 with or without correction. He has central visual reduction due to a retinal scar that occurred in early childhood.

Relevant Driving Experience: Mr. Tate has driven approximately twenty-six (26) years and has been employed at a solid waste company in the Springfield, Missouri, area the entire time. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in September 2008, his optometrist certified, "In my medical opinion, Mr. Tate's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle and that the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No violations and one accident and the driver was not issued a citation within the past three (3) years.

Application # MP080502021

Renewal Applicant's Name & Age: Brandon L. Ferling, 22

Relevant Physical Condition: Mr. Ferling's best uncorrected visual acuity in his left eye is 20/15 Snellen and corrected in his right eye is 20/50 Snellen due to a cataract extraction at the age of 2.

Relevant Driving Experience: He has been employed with a lawn care service based in Columbia, Missouri, just over a year. He has not

driven a commercial motor vehicle to date. He has obtained a Class E license and intends to drive pickup trucks for the lawn service and, as experience grows, the company will test him while pulling small trailers. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in March 2008, his ophthalmologist certified, "In my medical opinion, Mr. Ferling's visual deficiency is stable and has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: November 1, 2008

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

Title 7—DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission Chapter 25—Motor Carrier Operations

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

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- **Instructions:** All comments submitted must include the agency name and application number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection, and MoDOT may publish those comments by any available means.

COMMENTS RECEIVED BECOME MoDOT PUBLIC RECORD

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- **Docket:** For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

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Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2007, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application # MP060814035

Applicant's Name & Age: Daniel A. Trejo, 36

Relevant Physical Condition: Mr. Trejo's best-corrected visual acuity in his left eye is 20/20 Snellen and in his right eye is 20/200 Snellen. He has been diagnosed with amblyopia in his right eye. This impairment occurred at infancy.

Relevant Driving Experience: Mr. Trejo has been driving a commercial motor vehicle for the past two (2) years. He has been employed with Enterprise Medical Equipment, St. Louis, Missouri, since 1998. Previous employment has not been related to driving a commercial motor vehicle. He currently has a Class E license. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in October 2008, his optometrist certified, "In my medical opinion, Mr. Trejo's visual deficiency is stable and he is capable of performing the driving tasks required to operate a commercial motor vehicle, and that his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No traffic accidents or violations in the past three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: November 1, 2008

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

EXPEDITED APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the expedited application listed below. A decision is tentatively scheduled for December 22, 2008. This application is available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

11/07/08

#4291 RS: Chestnut Glenn Assisted Living
St. Peters (St. Charles County)
\$1,475,800, Renovate/modernize long-term care facility

11/10/08

#4295 HS: St. John's Mercy Medical Center
St. Louis (St. Louis County)
\$3,228,700, Replace linear accelerator

Any person wishing to request a public hearing for the purpose of commenting on this application must submit a written request to this effect, which must be received by December 12, 2008. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
Post Office Box 570
Jefferson City, MO 65102

For additional information contact
Donna Schuessler, (573) 751-6403.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2245—Real Estate Appraisers
Chapter 3—Applications for Certification and Licensure**

IN ADDITION

20 CSR 2245-3.005 Trainee Real Estate Appraiser Registration

A proposed rule, 20 CSR 2245-3.005, was published in the *Missouri Register* on January 2, 2007 (32 MoReg 65-68), and a final order of rulemaking was published in the *Missouri Register* on June 1, 2007 (32 MoReg 928). Paragraph (5)(B)1. ended as follows—"This rule does not incorporate any subsequent amendments or additions to the USPAP;" However, when the rule was published in the June 30, 2007, update to the *Code of State Regulations*, this sentence was omitted from the rule. This has been corrected, and the rule with this sentence added appeared correctly in the November 30, 2008, update to the *Code of State Regulations*.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE

Notice is hereby given that DOUBLE TREE MORTGAGE, L.L.C. a Missouri limited liability company, duly organized by the Missouri Secretary of State on March 28, 2003 (the "Company"), has filed with the Missouri Secretary of State Notice of Winding Up for Limited Liability Company effective as of the 8th day of October, 2008. Any person, persons, corporations or other business entities having claims against the Corporation must file the same by stating: a) name; b) address; c) current phone number; d) basis of the claim and e) documentation of the claim within three (3) years from the date of this Notice. The information must be mailed to Mr. Scott H. Malin, Esq., Lathrop & Gage L.C., 7701 Forsyth Blvd., Suite 400, St. Louis, Missouri 63105.

Any claim against the Corporation will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice.

DOUBLE TREE MORTGAGE, L.L.C.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST ACTION RESIDENTIAL ROOFING, LLC

On October 17, 2008, ACTION RESIDENTIAL ROOFING, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Julie T. Brown, Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST GENTRY & RIZZO, LLC

On October 28, 2008, Gentry & Rizzo, LLC, a Missouri limited liability company, filed its Notice of Winding Up for limited liability company with the Missouri Secretary of State, effect on the filing date. Dissolution was effective October 28, 2008.

Said company requests that all persons and organizations who have claims against it present them immediately by letter to the company at: Gentry & Rizzo, LLC c/o Michael Rizzo, Esq., 500 NW 44th Ter., Kansas City, Missouri 64116. All claims must include the name, address and telephone number of the claimant; the amount of the claim; the basis for the claim; the date on which the claim arose; and documentation for the claim.

All claims against Gentry & Rizzo, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 10-4.010	Commissioner of Administration	33 MoReg 1531	33 MoReg 1548	33 MoReg 2243	
1 CSR 10-15.010	Commissioner of Administration	33 MoReg 1531	33 MoReg 1548	33 MoReg 2243	33 MoReg 1676
1 CSR 15-1.201	Administrative Hearing Commission		33 MoReg 1391	33 MoReg 2243	
1 CSR 15-1.207	Administrative Hearing Commission		33 MoReg 1391	33 MoReg 2243	
1 CSR 15-3.320	Administrative Hearing Commission		33 MoReg 1392	33 MoReg 2244	
1 CSR 15-3.350	Administrative Hearing Commission		33 MoReg 1392	33 MoReg 2244	
1 CSR 15-3.380	Administrative Hearing Commission		33 MoReg 1394	33 MoReg 2244	
1 CSR 15-3.390	Administrative Hearing Commission		33 MoReg 1394	33 MoReg 2244	
1 CSR 15-3.431	Administrative Hearing Commission		33 MoReg 1394	33 MoReg 2245	
1 CSR 15-3.436	Administrative Hearing Commission		33 MoReg 1395	33 MoReg 2245	
1 CSR 15-3.440	Administrative Hearing Commission		33 MoReg 1395R	33 MoReg 2245R	
1 CSR 15-3.446	Administrative Hearing Commission		33 MoReg 1396	33 MoReg 2245	
1 CSR 15-3.490	Administrative Hearing Commission		33 MoReg 1396	33 MoReg 2245	
1 CSR 20-3.070	Personnel Advisory Board and Division of Personnel		33 MoReg 1703		
1 CSR 20-4.010	Personnel Advisory Board and Division of Personnel		33 MoReg 1704		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-1.020	Animal Health		33 MoReg 1221	33 MoReg 2246	
2 CSR 30-10.010	Animal Health		33 MoReg 1397	33 MoReg 2246	
2 CSR 30-11.010	Animal Health	33 MoReg 1534	33 MoReg 1706		
2 CSR 70-11.050	Plant Industries	33 MoReg 1795			
2 CSR 70-40.005	Plant Industries		33 MoReg 1803		
2 CSR 90-10	Weights and Measures				33 MoReg 1193
2 CSR 90-10.001	Weights and Measures		33 MoReg 2089		
2 CSR 90-10.011	Weights and Measures	33 MoReg 2081	33 MoReg 2089		
2 CSR 90-10.012	Weights and Measures	33 MoReg 2082	33 MoReg 2090		
2 CSR 90-10.013	Weights and Measures		33 MoReg 2091		
2 CSR 90-10.014	Weights and Measures		33 MoReg 2091		
2 CSR 90-10.016	Weights and Measures		33 MoReg 2092		
2 CSR 90-10.017	Weights and Measures		33 MoReg 2092R		
2 CSR 90-10.020	Weights and Measures		33 MoReg 2093		
2 CSR 90-10.040	Weights and Measures		33 MoReg 2093		
2 CSR 90-10.100	Weights and Measures		33 MoReg 2094R		
2 CSR 110-2.010	Office of the Director		33 MoReg 1333	33 MoReg 2044	
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.111	Conservation Commission		33 MoReg 2094		
3 CSR 10-4.113	Conservation Commission		33 MoReg 2094		
3 CSR 10-4.117	Conservation Commission		33 MoReg 2095		
3 CSR 10-5.205	Conservation Commission		33 MoReg 2095		
3 CSR 10-5.215	Conservation Commission		33 MoReg 2097		
3 CSR 10-5.220	Conservation Commission		33 MoReg 2097		
3 CSR 10-5.222	Conservation Commission		33 MoReg 2097		
3 CSR 10-5.225	Conservation Commission		33 MoReg 2098		
3 CSR 10-5.300	Conservation Commission		33 MoReg 2100		
3 CSR 10-5.310	Conservation Commission		33 MoReg 2100		
3 CSR 10-5.315	Conservation Commission		33 MoReg 2100		
3 CSR 10-5.320	Conservation Commission		33 MoReg 2101		
3 CSR 10-5.321	Conservation Commission		33 MoReg 2101		
3 CSR 10-5.322	Conservation Commission		33 MoReg 2101		
3 CSR 10-5.323	Conservation Commission		33 MoReg 2101		
3 CSR 10-5.330	Conservation Commission		33 MoReg 2102		
3 CSR 10-5.340	Conservation Commission		33 MoReg 2104		
3 CSR 10-5.345	Conservation Commission		33 MoReg 2106		
3 CSR 10-5.351	Conservation Commission		33 MoReg 2108		
3 CSR 10-5.352	Conservation Commission		33 MoReg 2110		
3 CSR 10-5.359	Conservation Commission		33 MoReg 2112		
3 CSR 10-5.360	Conservation Commission		33 MoReg 2114		
3 CSR 10-5.365	Conservation Commission		33 MoReg 2116		
3 CSR 10-5.370	Conservation Commission		33 MoReg 2118		
3 CSR 10-5.375	Conservation Commission		33 MoReg 2120		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-5.420	Conservation Commission		33 MoReg 2122R		
3 CSR 10-5.425	Conservation Commission		33 MoReg 2122		
3 CSR 10-5.430	Conservation Commission		33 MoReg 2124		
3 CSR 10-5.435	Conservation Commission		33 MoReg 2126		
3 CSR 10-5.436	Conservation Commission		33 MoReg 2128		
3 CSR 10-5.440	Conservation Commission		33 MoReg 2130		
3 CSR 10-5.445	Conservation Commission		33 MoReg 2132		
3 CSR 10-5.540	Conservation Commission		33 MoReg 2134		
3 CSR 10-5.545	Conservation Commission		33 MoReg 2136		
3 CSR 10-5.551	Conservation Commission		33 MoReg 2138		
3 CSR 10-5.552	Conservation Commission		33 MoReg 2140		
3 CSR 10-5.554	Conservation Commission		33 MoReg 2142		
3 CSR 10-5.559	Conservation Commission		33 MoReg 2144		
3 CSR 10-5.560	Conservation Commission		33 MoReg 2146		
3 CSR 10-5.565	Conservation Commission		33 MoReg 2148		
3 CSR 10-5.567	Conservation Commission		33 MoReg 2150		
3 CSR 10-5.570	Conservation Commission		33 MoReg 2152		
3 CSR 10-5.576	Conservation Commission		33 MoReg 2154R		
3 CSR 10-5.579	Conservation Commission		33 MoReg 2156R		
3 CSR 10-5.580	Conservation Commission		33 MoReg 2158R		
3 CSR 10-6.410	Conservation Commission		33 MoReg 2160		
3 CSR 10-6.415	Conservation Commission		33 MoReg 2160		
3 CSR 10-6.530	Conservation Commission		33 MoReg 2160		
3 CSR 10-6.533	Conservation Commission		33 MoReg 2160		
3 CSR 10-6.540	Conservation Commission		33 MoReg 2161		
3 CSR 10-6.550	Conservation Commission		33 MoReg 2161		
3 CSR 10-6.615	Conservation Commission		33 MoReg 2162		
3 CSR 10-6.620	Conservation Commission		33 MoReg 2162		
3 CSR 10-7.405	Conservation Commission		33 MoReg 2162		
3 CSR 10-7.410	Conservation Commission		33 MoReg 2162		
3 CSR 10-7.431	Conservation Commission		33 MoReg 2163		
3 CSR 10-7.433	Conservation Commission		33 MoReg 2163		
3 CSR 10-7.434	Conservation Commission		33 MoReg 2164		
3 CSR 10-7.437	Conservation Commission		33 MoReg 2165		
3 CSR 10-7.455	Conservation Commission		33 MoReg 2165		
3 CSR 10-8.515	Conservation Commission		33 MoReg 2166		
3 CSR 10-9.110	Conservation Commission		33 MoReg 2166		
3 CSR 10-9.353	Conservation Commission		33 MoReg 2168		
3 CSR 10-9.359	Conservation Commission		33 MoReg 2168		
3 CSR 10-9.415	Conservation Commission		33 MoReg 2168		
3 CSR 10-9.425	Conservation Commission		33 MoReg 2169		
3 CSR 10-9.565	Conservation Commission		33 MoReg 2169		
3 CSR 10-9.566	Conservation Commission		33 MoReg 2170		
3 CSR 10-9.575	Conservation Commission		33 MoReg 2170		
3 CSR 10-9.628	Conservation Commission		33 MoReg 2171		
3 CSR 10-10.711	Conservation Commission		33 MoReg 2171		
3 CSR 10-10.715	Conservation Commission		33 MoReg 2173		
3 CSR 10-10.716	Conservation Commission		33 MoReg 2173		
3 CSR 10-10.722	Conservation Commission		33 MoReg 2173		
3 CSR 10-10.724	Conservation Commission		33 MoReg 2174		
3 CSR 10-10.725	Conservation Commission		33 MoReg 2176		
3 CSR 10-10.726	Conservation Commission		33 MoReg 2176		
3 CSR 10-10.727	Conservation Commission		33 MoReg 2176		
3 CSR 10-10.728	Conservation Commission		33 MoReg 2177		
3 CSR 10-10.735	Conservation Commission		33 MoReg 2179		
3 CSR 10-10.767	Conservation Commission		33 MoReg 2179		
3 CSR 10-10.784	Conservation Commission		33 MoReg 2179		
3 CSR 10-10.787	Conservation Commission		33 MoReg 2180		
3 CSR 10-11.110	Conservation Commission		33 MoReg 2180		
3 CSR 10-11.115	Conservation Commission		33 MoReg 2180		
3 CSR 10-11.140	Conservation Commission		33 MoReg 2181		
3 CSR 10-11.150	Conservation Commission		33 MoReg 2181		
3 CSR 10-11.160	Conservation Commission		33 MoReg 2182		
3 CSR 10-11.165	Conservation Commission		33 MoReg 2182		
3 CSR 10-11.180	Conservation Commission		33 MoReg 2182		
3 CSR 10-11.184	Conservation Commission		33 MoReg 2185		
3 CSR 10-11.205	Conservation Commission		33 MoReg 2185		
3 CSR 10-11.210	Conservation Commission		33 MoReg 2186		
3 CSR 10-11.215	Conservation Commission		33 MoReg 2186		
3 CSR 10-12.110	Conservation Commission		33 MoReg 2187		
3 CSR 10-12.115	Conservation Commission		33 MoReg 2187		
3 CSR 10-12.125	Conservation Commission		33 MoReg 2188		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-12.135	Conservation Commission		33 MoReg 2189		
3 CSR 10-12.140	Conservation Commission		33 MoReg 2189		
3 CSR 10-12.145	Conservation Commission		33 MoReg 2190		
3 CSR 10-20.805	Conservation Commission		33 MoReg 2191		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 85-5.010	Division of Business and Community Services		33 MoReg 1555		
4 CSR 85-5.020	Division of Business and Community Services		33 MoReg 1556		
4 CSR 85-5.030	Division of Business and Community Services		33 MoReg 1556		
4 CSR 240-18.010	Public Service Commission		33 MoReg 1133	33 MoReg 1907	
4 CSR 240-20.065	Public Service Commission		33 MoReg 1397		
4 CSR 240-31.010	Public Service Commission	33 MoReg 1651	33 MoReg 1660		
4 CSR 240-33.170	Public Service Commission		33 MoReg 1942		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 30-261.025	Division of Administrative and Financial Services		33 MoReg 1946		
5 CSR 80-631.010	Teacher Quality and Urban Education		33 MoReg 1076R	33 MoReg 1907R	
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-25.010	Missouri Highways and Transportation Commission				33 MoReg 2051 This Issue
7 CSR 10-25.020	Missouri Highways and Transportation Commission	33 MoReg 1535	33 MoReg 1559		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 10-2.020	Division of Employment Security		33 MoReg 1865		
8 CSR 10-3.010	Division of Employment Security		33 MoReg 1710		
8 CSR 10-4.200	Division of Employment Security		33 MoReg 1660		
8 CSR 10-5.010	Division of Employment Security		33 MoReg 1865		
8 CSR 10-5.015	Division of Employment Security		33 MoReg 1866		
8 CSR 10-5.030	Division of Employment Security		33 MoReg 1868		
8 CSR 10-5.040	Division of Employment Security		33 MoReg 1869		
8 CSR 10-5.050	Division of Employment Security		33 MoReg 1869		
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13 CSR 40-71.020	Family Support Division (<i>Changed to 13 CSR 35-71.020</i>)	33 MoReg 1653	33 MoReg 1665		
13 CSR 40-71.030	Family Support Division (<i>Changed to 13 CSR 35-71.030</i>)	33 MoReg 1654	33 MoReg 1668		
13 CSR 40-71.040	Family Support Division (<i>Changed to 13 CSR 35-71.040</i>)	33 MoReg 1655	33 MoReg 1668		
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20 CSR 2235-1.026	State Committee of Psychologists		33 MoReg 1585	This Issue	
20 CSR 2235-2.005	State Committee of Psychologists		33 MoReg 1586	This Issue	
20 CSR 2235-2.030	State Committee of Psychologists		33 MoReg 1586R	This IssueR	
20 CSR 2235-2.050	State Committee of Psychologists		33 MoReg 1586	This Issue	
20 CSR 2235-3.020	State Committee of Psychologists		33 MoReg 1587	This Issue	
20 CSR 2235-7.005	State Committee of Psychologists		33 MoReg 1588	This Issue	
20 CSR 2235-7.010	State Committee of Psychologists		33 MoReg 1588	This Issue	
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20 CSR 2245-3.005	Real Estate Appraisers		33 MoReg 1476	33 MoReg 2259	This Issue
20 CSR 2255-2.060	Missouri Board for Respiratory Care		33 MoReg 1338	33 MoReg 2049	
20 CSR 2267-1.030	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1339	33 MoReg 2049	
20 CSR 2267-2.010	Office of Tattooing, Body Piercing, and Branding		33 MoReg 985	33 MoReg 1911	
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20 CSR 2270-1.040	Missouri Veterinary Medical Board		33 MoReg 1477	33 MoReg 2259	
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20 CSR 2270-2.021	Missouri Veterinary Medical Board		33 MoReg 1590	This Issue	
20 CSR 2270-2.051	Missouri Veterinary Medical Board		33 MoReg 1478	33 MoReg 2259	
20 CSR 2270-2.060	Missouri Veterinary Medical Board		33 MoReg 1479	33 MoReg 2259	
20 CSR 2270-3.030	Missouri Veterinary Medical Board		33 MoReg 1479	33 MoReg 2260	
20 CSR 2270-4.050	Missouri Veterinary Medical Board		33 MoReg 1590	This Issue	
20 CSR 2270-5.021	Missouri Veterinary Medical Board		33 MoReg 1480	33 MoReg 2260	
20 CSR 2270-5.041	Missouri Veterinary Medical Board		33 MoReg 1480	33 MoReg 2260	

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1 CSR 10-4.010	State of Missouri Vendor Payroll Deductions	33 MoReg 1531	July 24, 2008Dec. 31, 2008
1 CSR 10-15.010	Cafeteria Plan	33 MoReg 1531	July 24, 2008Dec. 31, 2008
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2 CSR 30-11.010	Large Animal Veterinary Student Loan Program	33 MoReg 1534	July 24, 2008Feb. 26, 2009
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2 CSR 70-11.050	Emerald Ash Borer Intrastate Quarantine	33 MoReg 1795	Aug. 28, 2008Feb. 26, 2009
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2 CSR 90-10.011	Inspection Authority—Duties	33 MoReg 2081	Oct. 25, 2008April 22, 2009
2 CSR 90-10.012	Registration—Training	33 MoReg 2082	Oct. 25, 2008April 22, 2009
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4 CSR 240-31.010	Definitions	33 MoReg 1651	Aug. 1, 2008Jan. 29, 2009
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7 CSR 10-25.020	Overdimension and Overweight Permits	33 MoReg 1535	Sept. 2, 2008Feb. 28, 2009
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9 CSR 10-31.030	Intermediate Care Facility for the Mentally Retarded Federal Reimbursement Allowance	33 MoReg 1379	July 11, 2008Dec. 28, 2008
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10 CSR 20-7.031	Water Quality Standards	Next Issue	Nov. 22, 2008May 20, 2009
10 CSR 20-7.050	Methodology for Development of Impaired Waters List	33 MoReg 1855	Jan. 2, 2009June 30, 2009
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11 CSR 45-1.090	Definitions	This Issue	Nov. 15, 2008May 13, 2009
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11 CSR 45-6.040	Five Hundred Dollar-Loss Limit	This Issue	Nov. 15, 2008May 13, 2009
11 CSR 45-8.120	Handling of Cash at Gaming Tables	This Issue	Nov. 15, 2008May 13, 2009
11 CSR 45-9.030	Minimum Internal Control Standards	This Issue	Nov. 15, 2008May 13, 2009
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11 CSR 45-11.020	Deposit Account—Taxes and Fees	This Issue	Nov. 15, 2008May 13, 2009
11 CSR 45-11.050	Admission Fee	This Issue	Nov. 15, 2008May 13, 2009
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13 CSR 35-71.010	Definitions	33 MoReg 1651	Aug. 4, 2008Jan. 30, 2009
13 CSR 35-71.020	Basic Residential Child Care Core Requirements (Applicable to All Agencies)—Basis for Licensure and Licensing Procedures	33 MoReg 1653	Aug. 4, 2008Jan. 30, 2009
13 CSR 35-71.030	Hearings and Judicial Review	33 MoReg 1654	Aug. 4, 2008Jan. 30, 2009
13 CSR 35-71.040	Organization and Administration	33 MoReg 1655	Aug. 4, 2008Jan. 30, 2009
13 CSR 35-71.045	Personnel	33 MoReg 1655	Aug. 4, 2008Jan. 30, 2009

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13 CSR 40-2.390	Transitional Employment Benefit	33 MoReg 1941Oct. 3, 2008	. . .March 31, 2009
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13 CSR 70-3.170	Medicaid Managed Care Organization Reimbursement Allowance	33 MoReg 1380July 1, 2008Dec. 28, 2008
13 CSR 70-10.016	Global Per Diem Adjustments to Nursing Facilities and HIV Nursing Facility Reimbursement Rates	33 MoReg 2083Oct. 13, 2008April 10, 2009
13 CSR 70-10.030	Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services	33 MoReg 1382July 1, 2008Dec. 28, 2008
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology	33 MoReg 1383July 1, 2008Dec. 28, 2008
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	33 MoReg 1384July 1, 2008Dec. 28, 2008
13 CSR 70-20.320	Pharmacy Reimbursement Allowance	33 MoReg 1856	. . .Sept. 22, 2008	. . .March 20, 2009
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20 CSR 100-8.040	Insurer Record Retention	33 MoReg 1386July 30, 2008Feb. 26, 2009
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20 CSR 300-1.200	Fraudulent or Bad Faith Conduct Rules	33 MoReg 1387July 30, 2008Feb. 26, 2009
20 CSR 300-2.100	File and Record Documentation for Claims	33 MoReg 1387July 30, 2008Feb. 26, 2009
20 CSR 300-2.200	Records Required for Purposes of Market Conduct Examinations	33 MoReg 1388July 30, 2008Feb. 26, 2009
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20 CSR 500-7.030	General Instructions	33 MoReg 2085Jan. 1, 2009June 29, 2009
20 CSR 500-7.080	Insurer's Annual On-site Review	33 MoReg 2085Jan. 1, 2009June 29, 2009
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20 CSR 2220-6.040	Administration by Medical Prescription Order	33 MoReg 1069	. . .May 11, 2008Feb. 18, 2009

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08-01	Establishes the post of Missouri Poet Laureate	January 8, 2008	33 MoReg 401
08-02	Activates the Missouri State Emergency Operations Plan in the aftermath of severe weather that began on January 7, 2008	January 11, 2008	33 MoReg 403
08-03	Activates the state militia in response to the aftermath of severe storms that began on January 7, 2008	January 11, 2008	33 MoReg 405
08-04	Transfers authority of the sexual assault evidentiary kit and exam payment program from the Department of Health and Senior Services to Department of Public Safety by Type 1 transfer	February 6, 2008	33 MoReg 619
08-05	Extends Executive Orders, 07-34, 07-36 and 07-39 through March 15, 2008 for the purpose of continuing the cleanup efforts in affected communities	February 11, 2008	33 MoReg 621
08-06	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	February 12, 2008	33 MoReg 623
08-07	Declares that a state of emergency exists in the state of Missouri.	February 12, 2008	33 MoReg 625
08-08	Gives Department of Natural Resources authority to suspend regulations in the aftermath of severe weather that began on February 10, 2008	February 20, 2008	33 MoReg 715
08-09	Establishes the Missouri Civil War Sesquicentennial Commission	March 6, 2008	33 MoReg 783
08-10	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	March 18, 2008	33 MoReg 895
08-11	Calls organized militia into active service	March 18, 2008	33 MoReg 897
08-12	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	March 21, 2008	33 MoReg 899
08-13	Expands the number of state employees allowed to participate in the Missouri Mentor Initiative	March 27, 2008	33 MoReg 901
08-14	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	April 1, 2008	33 MoReg 903
08-15	Calls organized militia into active service	April 1, 2008	33 MoReg 905
08-17	Extends the declaration of emergency contained in Executive Order 08-14 and the terms of Executive Order 08-15	April 29, 2008	33 MoReg 1071
08-18	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	May 13, 2008	33 MoReg 1131
08-19	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	June 11, 2008	33 MoReg 1329
08-20	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	June 11, 2008	33 MoReg 1331
08-21	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	June 20, 2008	33 MoReg 1389
08-22	Designates members of staff with supervisory authority over selected state agencies	July 3, 2008	33 MoReg 1543
08-23	Extends the declaration of emergency contained in Executive Order 08-21	July 11, 2008	33 MoReg 1545
08-24	Extends the declaration of emergency contained in Executive Order 08-20 and the terms of Executive Order 08-19	July 11, 2008	33 MoReg 1546
08-25	Extends the order contained in Executive Orders 08-21 and 08-23	July 28, 2008	33 MoReg 1658
08-26	Extends the order contained in Executive Orders 08-21, 08-23, and 08-25	August 29, 2008	33 MoReg 1797
08-27	Declares that Missouri will implement the Emergency Management Assistance Compact with Louisiana in evacuating disaster victims associated with Hurricane Gustav from that state to the state of Missouri	August 30, 2008	33 MoReg 1799
08-28	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	August 30, 2008	33 MoReg 1801

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08-29 Transfers the Breath Alcohol Program back to the Department of Health and Senior Services from the Department of Transportation by Type I transfer	September 12, 2008	33 MoReg 1859
08-30 Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	September 15, 2008	33 MoReg 1861
08-31 Declares that a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated	September 15, 2008	33 MoReg 1863
08-32 Advises that state offices will be closed on Friday, November 28, 2008	October 2, 2008	33 MoReg 2088
08-33 Advises that state offices will be closed on Friday, December 26, 2008	October 29, 2008	This Issue
08-34 Establishes the Complete Count Committee to ensure an accurate count of Missouri citizens during the 2010 Census	October 21, 2008	This Issue
08-35 Creates the Division of Developmental Disabilities and abolishes the Division of Mental Retardation and Developmental Disabilities within the Department of Mental Health	October 16, 2008	This Issue
08-36 Orders the departments and agencies of the Executive Branch of Missouri state government to adopt a Pandemic Flu Share Leave Program	October 23, 2008	This Issue
08-37 Orders the Department of Natural Resources to develop a voluntary certification program to identify environmentally responsible practices in Missouri's logging industries	November 13, 2008	Next Issue

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07-01 Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	January 2, 2007	32 MoReg 295
07-02 Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	January 13, 2007	32 MoReg 298
07-03 Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	January 13, 2007	32 MoReg 299
07-04 Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	January 13, 2007	32 MoReg 301
07-05 Transfers the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation	January 30, 2007	32 MoReg 406
07-06 Transfers the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Department of Revenue	January 30, 2007	32 MoReg 408
07-07 Transfers the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety	January 30, 2007	32 MoReg 410
07-08 Extends the declaration of emergency contained in Executive Order 07-02 and the terms of Executive Order 07-04 through May 15, 2007, for continuing cleanup efforts from a severe storm that began on January 12	February 6, 2007	32 MoReg 524
07-09 Orders the Commissioner of Administration to take certain specific cost saving actions with the OA Vehicle Fleet	February 23, 2007	32 MoReg 571
07-10 Reorganizes the Governor's Advisory Council on Physical Fitness and Health and relocates it to the Department of Health and Senior Services	February 23, 2007	32 MoReg 573
07-11 Designates members of staff with supervisory authority over selected state agencies	February 23, 2007	32 MoReg 576
07-12 Orders agencies to support measures that promote transparency in health care	March 2, 2007	32 MoReg 625
07-13 Orders agencies to audit contractors to ensure that they employ people who are eligible to work in the United States, and requires future contracts to contain language allowing the state to cancel the contract if the contractor has knowingly employed individuals who are not eligible to work in the United States	March 6, 2007	32 MoReg 627
07-14 Creates and establishes the Missouri Mentor Initiative, under which up to 200 full-time employees of the state of Missouri are eligible for one hour per week of paid approved work to mentor in Missouri public primary and secondary schools up to 40 hours annually	April 11, 2007	32 MoReg 757

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07-15	Gov. Matt Blunt increases the membership of the Mental Health Transformation Working Group from eighteen to twenty-four members	April 23, 2007	32 MoReg 839
07-16	Creates and establishes the Governor's "Crime Laboratory Review Commission" within the Department of Public Safety	June 7, 2007	32 MoReg 1090
07-17	Gov. Matt Blunt activates portions of the Missouri National Guard in response to severe storms and potential flooding	May 7, 2007	32 MoReg 963
07-18	Gov. Matt Blunt declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated in response to severe storms that began May 5	May 7, 2007	32 MoReg 965
07-19	Gov. Matt Blunt authorizes the departments and agencies of the Executive Branch of Missouri state government to adopt a program by which employees may donate a portion of their annual leave benefits to other employees who have experienced personal loss due to the 2007 flood or who have volunteered in a flood relief	May 7, 2007	32 MoReg 967
07-20	Gov. Matt Blunt gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of a flood emergency	May 7, 2007	32 MoReg 969
07-21	Orders agencies to evaluate the performance of all employees pursuant to the procedures of the Division of Personnel within the Office of Administration and that those evaluations be recorded in the Productivity, Excellence and Results for Missouri (PERforM) State Employee Online Appraisal System	July 11, 2007	32 MoReg 1389
07-22	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on June 4, 2007	July 3, 2007	32 MoReg 1391
07-23	Activates the state militia in response to the aftermath of severe storms that began on June 4, 2007	July 3, 2007	32 MoReg 1393
07-24	Orders the Commissioner of Administration to establish the Missouri Accountability Portal as a free Internet-based tool allowing citizens to view the financial transactions related to the purchase of goods and services and the distribution of funds for state programs	July 11, 2007	32 MoReg 1394
07-25	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operations Plan be activated	August 24, 2007	32 MoReg 1902
07-26	Creates a Director/Administrator level multi-agency task force to address the concerns associated with feral hogs	August 30, 2007	32 MoReg 1904
07-27	Declares a drought alert for the counties of Bolinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Stoddard, Washington, and Wayne	September 7, 2007	32 MoReg 2035
07-28	The Executive Order denoted 05-16 is hereby rescinded	September 10, 2007	32 MoReg 2037
07-29	Amends the membership and the duties of the Governor's Advisory Council on Aging	September 17, 2007	32 MoReg 2038
07-30	Lists members of staff having supervisory authority over departments, divisions or agencies	September 13, 2007	32 MoReg 2041
07-31	Creates the Rural High-Speed Internet Access Task Force to deal with the lack of high-speed Internet access in rural Missouri communities	October 10, 2007	32 MoReg 2217
07-32	Declares that state offices will be closed on Friday, November 23, 2007	October 23, 2007	32 MoReg 2339
07-33	Declares that state offices will be closed on Monday December 24, 2007	December 4, 2007	33 MoReg 185
07-34	Declares a state of emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on December 8, 2007	December 9, 2007	33 MoReg 186
07-35	Activates the state militia in response to the aftermath of severe storms that began on December 8, 2007	December 9, 2007	33 MoReg 188
07-36	Gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of severe weather that began on December 8, 2007	December 10, 2007	33 MoReg 190
Emergency Declaration	Declares an emergency concerning damage to and danger of the Jefferson Street Overpass, also known as State Bridge No. A1308, in Jefferson City and directs the Emergency Declaration to continue until the overpass has been removed and replaced	December 10, 2007	33 MoReg 192
07-37	Designates members of staff with supervisory authority over selected state agencies	December 26, 2007	33 MoReg 317
07-38	Extends Executive Order 07-01 through January 1, 2009	December 29, 2007	33 MoReg 319
07-39	Extends Executive Orders 07-34 and 07-36 through February 15, 2008	December 28, 2007	33 MoReg 321

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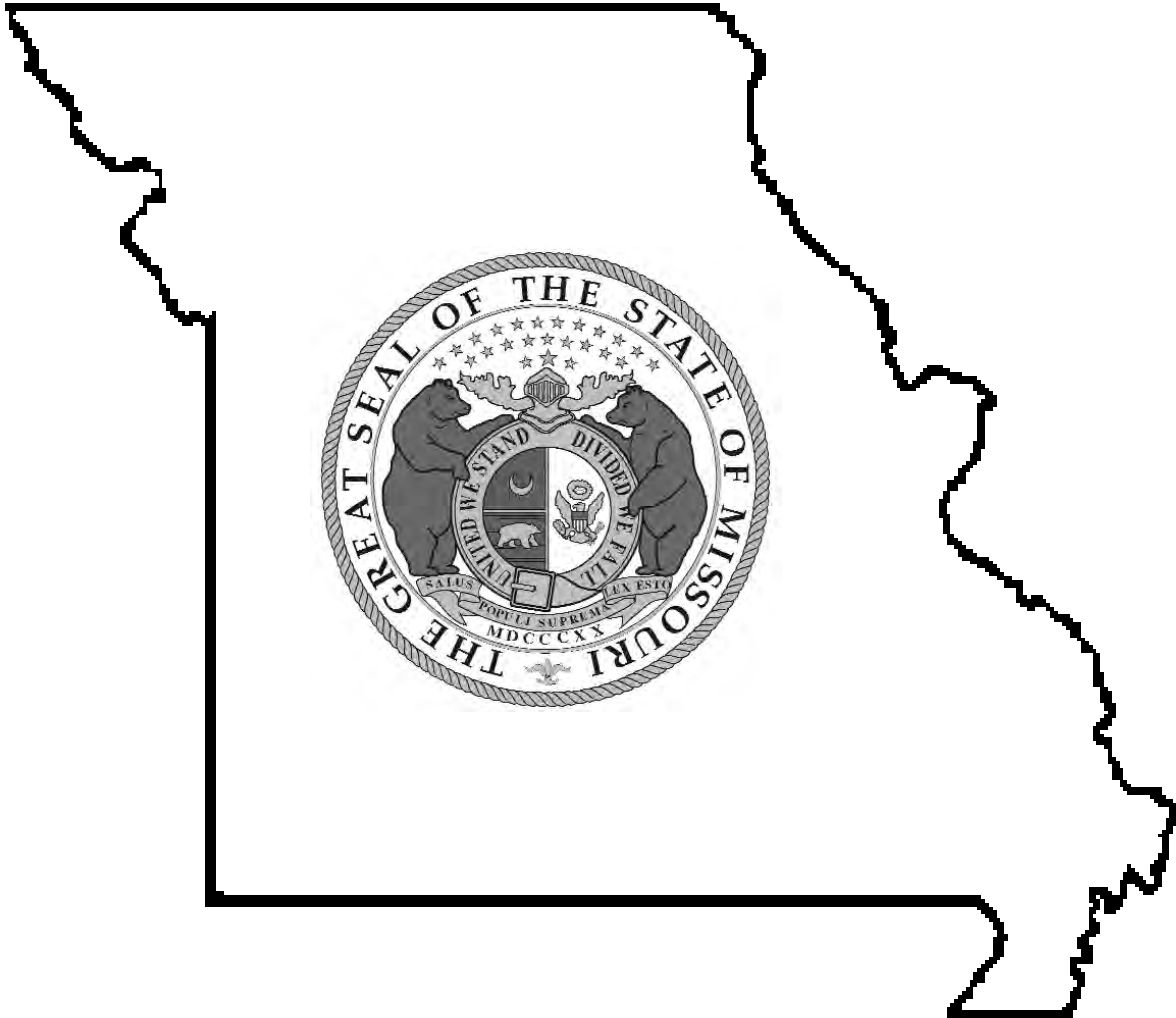
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